



# COUNTY OF LOS ANGELES CHIEF ADMINISTRATIVE OFFICE

713 HALL OF ADMINISTRATION LOS ANGELES, CALIFORNIA 90012  
974-1101

RICHARD B. DIXON  
CHIEF ADMINISTRATIVE OFFICER

April 16, 1992

The Honorable Board of Supervisors  
County of Los Angeles  
383 Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

**COUNTY DRUG FREE WORKPLACE PROGRAM  
AMENDMENT OF FRINGE BENEFIT AGREEMENT WITH THE COALITION OF  
COUNTY UNIONS  
DRUG TESTING AGREEMENT WITH BEACH LIFEGUARDS (UNIT 641)  
AND SUPERVISORY BEACH LIFEGUARDS (UNIT 642)  
(3-VOTES)**

**BACKGROUND**

On July 29, 1986, the Board requested that the Chief Administrative Officer study the City of Glendale drug testing program and determine the feasibility of adopting a similar program for the County. The program was embroiled in legal disputes for several years, so a full report and recommendations were delayed until the various legal issues and court cases were decided.

In February, 1990, I provided your Board with a report that recommended a model Countywide drug free workplace policy and a model drug free workplace program and indicated the actions necessary to implement such a policy and program.

The Honorable Board of Supervisors  
April 16, 1992  
Page 2

As a follow up to the February, 1990 report, in June, 1990, I advised your Board that my office had reviewed the proposed program with departments and had begun negotiations with all employee organizations. I also indicated that I was prepared to administratively implement several elements of the recommended drug free workplace program. These elements included provision of supervisory training on the identification of substance abuse, pre-employment testing of applicants for sensitive positions and counselling of drug using employees by the County's Employee Assistance Program.

**COMPLETING THE IMPLEMENTATION OF A DRUG FREE WORKPLACE PROGRAM:**

All meet and confer obligations have been met with employee union organizations including Local 660. Agreement has been reached with the Coalition of County Unions and Beach Lifeguard Units 641 and 642.

I now recommend that your Board take the following actions to finalize implementation of the Countywide Drug Free Workplace Program:

- Adopt the County of Los Angeles Drug Free Workplace Policy in Attachment I
- Adopt the Coalition of County Unions and Lifeguard agreements.
- Extend to other County employees a Drug Free Workplace Program (Attachment II and Attachment III) which is identical to that included in the Coalition of County Unions' agreement. Only those employees covered by pre-existing drug abuse prevention agreements should be exempted.

Amendment number 4 to the Fringe Benefit Agreement with the Coalition of County Unions and the agreements with Unit 641 and 642 have been approved as to form by the County Counsel.

The Honorable Board of Supervisors  
April 16, 1992  
Page 3

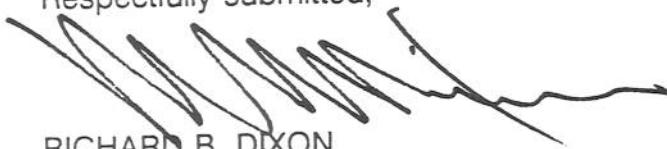
**THEREFORE, IT IS RECOMMENDED THAT YOUR BOARD:**

1. Adopt the County of Los Angeles Drug Free Workplace Policy as shown in Attachment I and instruct Department Heads to implement it in their departments.
2. Approve the accompanying amendment number 4 to the Fringe Benefit Agreement with the Coalition of County Unions.
3. Approve the accompanying drug testing agreements with Beach Lifeguards (Unit 641) and Supervisory Beach Lifeguards (Unit 642).

The Honorable Board of Supervisors  
April 16, 1992  
Page 4

4. Approve the Drug Free Workplace Programs as shown in Attachment II and Attachment III for all other County employees not already covered by an existing drug testing agreement or program.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Richard B. Dixon', written over a horizontal line.

RICHARD B. DIXON  
Chief Administrative Officer

RBD:BAC  
OS:GL:rs6

#### Attachments

c: Executive Officer, Board of Supervisors  
County Counsel  
Auditor-Controller



## **ATTACHMENT I**

### **COUNTY OF LOS ANGELES**

#### **DRUG FREE WORKPLACE POLICY**

It is the policy of the County of Los Angeles that the abuse of drugs, including alcohol, by employees or contract personnel is unacceptable because it adversely affects health, safety, security and productivity as well as public confidence and trust.

Using, possessing, selling or being under the influence of illegal drugs is unlawful, dangerous and is absolutely prohibited at the workplace.

Further, the use of alcohol at the workplace or the misuse of alcohol or prescribed drugs to any extent that impairs safe and effective job performance is also prohibited.

Violation of any element of this policy shall result in disciplinary action up to and including termination.

2/27/82

re8:drugst2.lbs

**ATTACHMENT II**

**COUNTY OF LOS ANGELES**

**DRUG TESTING PROGRAM**

**(For Employees Not Covered By A  
Drug Testing Memorandum Of Understanding)**

**URINE TESTING-REASONABLE SUSPICION ONLY**

**SECTION 1.       SCOPE**

- A. This program shall not supersede any departmental drug/alcohol testing program which was in effect prior to the date of approval of this program by the Board of Supervisors or which comes into effect after approval of this program as a result of an agreement with a certified employee organization.

**SECTION 2.       AUTHORITY**

- A. The County may require an employee to provide a urine specimen for analysis to detect the presence of drugs or alcohol only if there is reasonable suspicion to believe that the employee is impaired from performing his/her job as a result of drugs or alcohol.
- B. The authority to require a drug/alcohol test does not eliminate or replace the normal supervisory responsibilities for evaluating performance and initiating corrective or disciplinary action when necessary.

**SECTION 3.       REASONABLE SUSPICION DEFINED**

- A. Reasonable suspicion must be based on both objective evidence and reasonable inference from such evidence that an employee's impaired performance is the result of use of drugs or alcohol. Such evidence must include observations by a trained supervisor or manager of typical indicators of intoxication or impairment caused by drugs or alcohol which are not reasonably explained as resulting from causes other than the use of drugs or alcohol.

- B. Observation of the use of drugs or alcohol in conjunction with observation of typical indicators of intoxication or impairment may be considered reasonable suspicion.
- C. Reasonable suspicion must be confirmed by a second supervisor, manager, or other reliable witness unless it is not possible to do so. If it is impossible to have such witness, the reason for no witness will be documented in the observation statement described in Section 3D below.
- D. The supervisor or manager shall document in writing all observations which provide the basis for reasonable suspicion and this documentation shall be signed by the confirming observer, unless impossible pursuant to 3C above.
- E. A copy of the signed documentation shall be provided to the employee prior to the requirement of testing. The employee shall be given an opportunity to provide a reasonable explanation other than the use of drugs or alcohol for any alleged intoxication or impairment.
- F. The employee shall be informed of his/her right to representation prior to the request for an explanation or the requirement of testing. Exercising this right, however, shall not cause an unreasonable delay (usually not more than four (4) hours) in obtaining a specimen.

#### **SECTION 4.        SPECIMEN COLLECTION AND ANALYSIS**

##### **A.     Program Roles Defined**

###### **1.     Chief Administrative Officer**

The Chief Administrative Officer, or his/her delegate authorized to act in his behalf, is designated as the County's Drug Abuse Program Director. The Drug Abuse Program Director shall have overall responsibility for Countywide coordination of this program.

2. Medical Review Officer

The Medical Review Officer (MRO) shall be a licensed physician who has a knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's positive test result together with his or her medical history and any other relevant biomedical information. The responsibility for the assignment of the appropriately qualified physician and for ensuring his availability is that of the Drug Abuse Program Director.

B. Confidentiality of Testing

Employees subjected to urine testing under this agreement shall be assigned a confidential test identification number. The actual collection process shall be as discreet as possible and shall respect the dignity of the employee.

C. Notification of Selection

Urine specimen collection will be done at an employee's work location or, if not appropriate, a contract medical facility, only.

The employee's immediate supervisor shall assist by arranging for employee(s) to present himself/herself for testing. The employee's immediate supervisor shall also assist by locating and securing restroom facilities that best meet the requirements of the collection procedure.

Every effort shall be made by the employee's supervisors to ensure that said testing is handled on an absolutely confidential basis, both before and after the test is administered.

D. Collection Site Privacy and Security

The actual collection process takes only a few minutes. However, because there must be rigorous controls for privacy, security and chain-of-evidence purposes, choosing the most appropriate restroom is crucial.

The restroom selected as a collection site shall be equipped with a sink to allow employees to wash their hands, a toilet, and be equipped with a stall for privacy.

During the specimen collection process, no unauthorized personnel shall be permitted in the restroom. The only authorized personnel are the employee and the Collection Team Member of the same sex. Another Collection Team Member shall remain outside the restroom and shall bar entry for the time it takes to collect and package a specimen.

E. Employee Identification, Advisory Statement and Pre-Test Declaration Form

When the Collection Site Team contacts an employee, the employee shall be asked to present his/her County issued photo identification card or California Driver's License or California Identification Card as issued by the State Department of Motor Vehicles. If the employee is unable to present proper identification, he/she must be identified by his/her immediate supervisor.

The employee will also be asked to complete a Pre-test Declaration form (Exhibit "A"). The form elicits information about recent use of prescription and non-prescription medications, and accidental exposure to controlled substances. The form shall contain the employee's confidential test number. It is to be placed in a sealed envelope by the employee and given to the Collection Team. The form will be destroyed without being reviewed if the results are negative.

F. Collection, Integrity and Identification of Specimen

1. Worksite Collection

After an employee has been properly identified, briefed about the reason for the test and has completed the Pre-test Declaration form, the mechanics of the collection process shall be explained. The Collection Team shall require the employee to remove any unnecessary outer garment (e.g., coats, jackets, etc.) and shall visually check for signs of concealed items that might be used to adulterate or substitute a sample. Personal belongings such as briefcases, purses, etc., must remain with the employee's outer garments. The employee shall retain control of his/her wallet.

The employee shall wash and dry his/her hands prior to providing a urine specimen. There shall be no further access to water, soap, any chemical agent, or other materials which could be used to adulterate the specimen until after it has been provided.

The Collection Team shall place a toilet bluing agent in the toilet bowl and, if the toilet is so equipped, in the reservoir tank. The purpose of this procedure is to deter the dilution of the specimen.

The employee shall be required to provide a specimen in a large, wide mouthed, easily carried, plastic non-reusable cup, unobserved and in the privacy of a stall or otherwise partitioned area. Unusual behavior shall be noted by the Collection Team on the Collection Log Sheet (Exhibit "B").

The employee will select two approved specimen bottles (samples A and B). The containers will have affixed to them specially prepared labels showing the employee's confidential identification number. The employee shall then provide a urine specimen and divide it equally between the two bottles in the presence of the Collection Team.

A minimum of 50 milliliters (1.7 fluid ounces) must be provided or the specimen will be considered incomplete. If the Collection Team determines that there is an insufficient amount of urine (less than 50 milliliters total) in the specimen bottles, additional urine shall be collected and the insufficient sample(s) shall be discarded. In this instance, the employee shall remain under the supervision of the Collection Team. The employee shall be asked to drink fluids to aid in urination and shall be allowed a reasonable amount of time to furnish additional urine.

Immediately after a specimen collection, the Collection Team shall ensure the temperature is between 90 and 100 degrees Fahrenheit. The Collection Team shall also inspect the specimen for signs of adulteration (e.g., contaminants, color, etc.). Unusual findings should be noted in the remarks section of the Collection Log Sheet.

In the presence of the Collection Team the employee shall secure lids on the specimen bottles. The Collection Team shall then seal the lids with evidence tape. If at the time of collection, there is reason to believe that the specimens have been diluted, adulterated, substituted, or in any way tampered with, the Collection Team shall report the matter on the Collection Log Sheet. The Collection Team may report those observations on the Collection Log Sheet, in writing to the laboratory, which may analyze the suspect specimens. The results of those analyses shall be reported in the written laboratory report to the MRO for further action, if any is needed.

2. Alternate Collection Procedure

As an alternative to collection of the urine specimen at the worksite the employee may request, or management may require employee to be transported to a contract medical facility listed in Exhibit C. Management may only require an employee to be transported if the collection can not appropriately take place at the work site. Such transportation shall meet the following guidelines:

- a. The employee will be driven by someone other than his/her immediate supervisor, unless the supervisor and the employee agree that the supervisor is the most suitable person.
- b. Public transportation such as a taxicab may be utilized. In such case the department will provide a suitable person from the department to accompany the individual. Again, the supervisor should not be utilized unless there is agreement with the employee that the supervisor is the most suitable person.
- c. Security personnel from the department or from Internal Services may also be utilized for transporting the employee to the medical facility.
- d. Specimen collection at the medical facility shall conform to the guideline procedure as described in 4.F., Collection, Integrity and Identification of Specimen, herein above.



G. Refusal to Provide Urine Specimen

An employee who refuses to consent to a drug or alcohol test shall not be subject to disciplinary action for that refusal. However, the fact of the refusal shall constitute a rebuttable presumption that the employee was under the influence of drugs and/or alcohol at the time of the order to submit to the urine test.

Note: Failure to provide a specimen within a reasonable period of time (usually not more than four (4) hours) may constitute a refusal to take a urine test.

H. Chain of Custody

Test specimens shall be transported to one of the laboratories listed in Section 5.B. herein using the same documented chain of custody and standard of care and safety applied to other evidence transported to that laboratory. Sealed specimen bottles shall be placed in a locked portable container and kept under the direct control of the Collection Team until it leaves custody at the laboratory. Only the Collection Team and laboratory personnel shall possess keys to the portable specimen container.

No written remarks about container contents or test employee identities shall be made on the container except as required by the laboratory. The Collection Log Sheet and Pre-test Declaration forms shall be locked inside the specimen container and, upon delivery to the laboratory, both the transporting employee and the laboratory employee authorized to receive the specimens shall open the container.

They shall obtain the Collection Log Sheet and note their identities in the appropriate place on the form. At this point, the laboratory assumes custody of the specimens, Collection Log Sheets and sealed envelope containing the Pre-test Declaration form.

A copy of the Collection Log Sheet shall be retained by the Collection Team.



## **SECTION 5.      LABORATORY TESTING**

### **A.      Test Methodology**

The testing methodology will be based on a laboratory examination of a urine specimen and shall meet all analytical, quality assurance and quality control standards as set by NIDA.

Laboratory analyses of urine specimens shall be restricted to those tests authorized by this agreement to detect drug abuse. They shall not be used for other purposes, such as the analyses of physiological states or diseases (e.g., pregnancy, AIDS).

### **B.      Authorized Laboratories**

Only the following toxicology laboratories may be used for testing conducted under this agreement for employees represented by the Coalition:

1.      Smith Kline Becham Clinical Laboratory (SBCL)  
         Van Nuys, California  
         (818) 989-2520
2.      Laboratory Specialist, Inc. (LSI)  
         Chatsworth, California  
         (818) 718-0115
3.      Damon Clinical Laboratory  
         Newberry Park, California  
         (805) 498-3181
4.      Healthtech  
         Long Beach, California  
         (800) 654-1172
5.      B.P.L. Metwest Laboratory  
         Tarzana

6. Nichols Institute  
San Diego
7. Pharchem Laboratory  
Menlo Park
8. Poisonlab  
San Diego

C. Laboratory Receipt of Specimens, Chain of Evidence and Rejection Criteria

Samples received by the laboratory shall be signed in on the Collection Log Sheet. Each sample shall be inspected for evidence of possible tampering. The employee confidential identification numbers will be compared with the numbers on the Collection Log Sheet serving as the chain of custody document. Any evidence of any tampering, or discrepancies in the identification numbers on the samples and Collection Log Sheet, or in the event that the seal is broken on either sample, that there is no identification number, or the identification number is illegible, such shall be reported to the Drug Abuse Program Director and shall be noted on the Collection Log Sheet. Such specimens shall not be tested.

D. Substances To Be Tested

Urine specimens may only be tested for any or all of the following:

1. Amphetamines/Methaphetamines
2. Benzodiazepines (e.g. Valium, Librium)
3. Barbiturates
4. Cocaine
5. Methadone
6. Methaqualone (e.g. Quaalude)
7. Opiates

8. Phencyclidine (PCP)
9. T.H.C. - Tetrahydrocannabinol (Marijuana)
10. Alcohol

E. Test Steps

1. Initial Screening

All specimens tested shall first go through an immunoassay screening test (EMIT) which will be used to eliminate "negative" urine samples from further testing.

Written documentation shall be maintained by the laboratory showing details of all the EMIT screening tests done under this program. These data may be reviewed by consultants to the employee. All samples that initially screen positive shall be stored in a locked freezer until confirmation studies by GC/MS are complete.

2. Confirmatory Test

Specimens which were initially screened and found to be positive shall be confirmed using Gas Chromatography/Mass Spectrometry (GC/MS) quantitative techniques.

3. Cut-off Levels

Cut-off levels for a positive test are either those established by NIDA for the drugs for which NIDA has made such recommendations, or as established through consultation with County Unions for those drugs on the list for which NIDA has not established cut-off level(s). The cut-off levels are as follows:

<u>Drug</u>	<u>Initial Screen</u>	<u>Confirming Test</u>
	(EMIT)	(GC/MS)

Amphetamines (NIDA)	1000 ng/ml	500 ng/ml
Benzodiazapines	300 ng/ml	300 ng/ml
Barbiturates	300 ng/ml	300 ng/ml
Cocaine (NIDA)	300 ng/ml	150 ng/ml
Methadone	300 ng/ml	300 ng/ml
Methaqualone	300 ng/ml	300 ng/ml
Opiates (NIDA)	300 ng/ml	300 ng/ml
P.C.P. (NIDA)	25 ng/ml	25 ng/ml
T.H.C. (NIDA)	100 ng/ml	15 ng/ml
Alcohol	.05g %	.05g %

## **SECTION 6.      LABORATORY REPORTING**

### **A.      Preparation of Laboratory Report - Negative Test Specimens**

The laboratory shall prepare a report, by confidential test identification number, of any specimen screened as negative and shall forward such report to the Medical Review Officer. The Medical Review Officer will notify the employee and the department of the negative test. The employee shall be given the choice of having the test results made part of his/her record or having the Medical Review Officer destroy the report and pre-test declaration and all references to a test being conducted.

### **B.      Preparation of Laboratory Reports - Positive Test Specimens**

In the event that a specimen is found to be positive by the GC/MS process, the laboratory shall prepare a written report. The original report shall be retained by the laboratory. One copy, along with the sealed pre-test declaration form, shall be sent to the Medical Review Officer.

The laboratory report shall contain the following information:

1.      Employee confidential test identification number.
2.      The drug identified.

3. The initial screening method.
4. The date screened.
5. The screening analyst's name.
6. The printed output from the immunoassay screening instrument pertaining to the batch of samples which includes the positive sample. That output will include the data from the relevant standards, blanks, quality control samples, and positive sample.
7. The confirmation method.
8. The date confirmed.
9. The confirming analyst's name and signature.
10. The graphs and reports pertaining to the gas chromatographmass spectrometer analysis of the relevant batch of samples and associated controls and quantitative standards.
11. The name and signature of the reviewing laboratory supervisor.
12. Collection Log Sheet.

Following confirmation, all positive urine samples are to be frozen and retained for a minimum of one (1) year by the laboratory, except when an employee appeals any negative action taken by the County, then the sample shall be maintained until all appeals are concluded.

## **SECTION 7.        REVIEW OF RESULTS**

### **A.     Report of Laboratory Results**

The Medical Review Officer shall report to the tested employee the results of all urine tests within four business days from collection of sample.

B. Preliminary Determination

The laboratory shall notify the Medical Review Officer whenever it confirms a positive test result.

C. Medical Review

The Medical Review Officer shall conduct an in-depth review of all tests reported as positive by the Laboratory. The laboratory report will include all materials specified in Section 6, B. above. The MRO shall review the test subject's Pre-test Declaration and shall take such action as may be necessary to examine any alternate medical explanation for a positive test result. Such action may include a voluntary medical interview with the employee, at the option of the employee, and a review of all medical records made available by the employee.

The MRO will arrange an interview with the employee (employee's option). The MRO will try to contact the employee utilizing the daytime telephone number designated by the employee on the Pre-test Declaration form.

The MRO is authorized to terminate the process if the MRO determines that the test result was caused by appropriate use of medication. The MRO will then prepare a written report to the Department Head limited to his statement of conclusion. No further action will be taken.

If the MRO cannot close the case, he/she will contact the Program Director regarding the need for additional information in order to verify the employee's statements. The Program Director will immediately verify the facts presented by the employee. The information obtained will be provided to the Medical Review Officer. The Medical Review Officer will prepare a written report to the Department Head limited to a statement of conclusion.

D. Employee Notification

If the MRO does not find appropriate medical justification for the positive laboratory findings, he/she shall notify the employee and prepare a written report to the Department. Upon notification to the employee of a positive finding, the employee

shall be provided with the laboratory report (as described in Section 6,B. above) and the MRO's written report. The employee also shall be provided with a written notice of his/her right to have the second sample (Sample B) independently tested and reviewed by an independent MRO.

E. Retesting

When the laboratory has confirmed a positive test result, the employee or his representative may request that a GC/MS test of Sample B be conducted at another approved laboratory listed in Section 4, B. herein.

If the test results are positive, an independent Medical Review Officer selected by the employee or his/her representative will review the findings and interview the employee (at employee option). The MRO will prepare a report to be given to the Drug Abuse Program Director with a copy to the employee.

If the results of the Sample B tests are negative, the Drug Abuse Program Director may request that GC/MS tests of Samples A and B be performed at a third laboratory listed in Section 5, B. herein.

If the test results from the third laboratory are negative, or if the Program Director elects not to have a third chemical test, no further action will be taken.

If the test results from the third laboratory are positive, an independent Medical Review Officer agreed upon by the employee and the Program Director will review the findings and interview the employee (at employee option). The MRO will prepare a report to be given to the Drug Abuse Program Director with a copy to the employee.

The County shall pay for all such testing. All such testing of an employee covered by this agreement shall be on County time.

F. Audit Trail

Urine Testing results are inadmissible in any proceeding without an audit trail showing compliance with each aspect of this procedure. Burden of showing compliance is on the County.

**SECTION 8.**            **CONSEQUENCES OF A POSITIVE TEST RESULT**

If an employee tests positive for drugs or alcohol in a urine test conducted pursuant to the procedure set forth herein, the appointing authority may take disciplinary action for proper cause and rely on the positive test result in conjunction with the employee's observed behavior at the time that the test was ordered.

Departments shall consider the appropriateness of the employee voluntarily entering and completing an alcohol/drug abuse treatment program in lieu of or to mitigate the severity of discipline.

Any disciplinary action taken as a result of a positive drug test in conjunction with the employee's observed behavior on the job shall be subject to dispute through the same procedures that would govern any other disciplinary action.



**PRE URINE TEST DECLARATION**

THIS FORM SHALL BE SEALED AND SHALL NOT BE OPENED UNLESS THE RESULTS OF THIS URINE TEST ARE CONFIRMED AS POSITIVE. ALL OTHER SEALED DECLARATIONS SHALL BE DESTROYED WITHOUT BEING OPENED.

EMPLOYEE'S NAME: \_\_\_\_\_ CONFIDENTIAL TEST NO. \_\_\_\_\_

LIST ANY PRESCRIPTION OR OVER-THE-COUNTER NON-PRESCRIPTION MEDICATIONS YOU ARE NOW TAKING OR HAVE TAKEN DURING THE LAST THIRTY (30) DAYS. SPECIFY THE REASON FOR THE MEDICATION(S), THE AMOUNT LAST TAKEN AND THE DATE. ALSO, INDICATE THE NAME OF THE HEALTH CARE PROVIDER PRESCRIBING ANY MEDICATION(S).

SUBSTANCE	REASON FOR TAKING	DATE LAST TAKEN	AMOUNT	PRESCRIBING HEALTH CARE PROVIDER	OFFICE LOCATION

HAVE YOU INGESTED, INHALED OR ABSORBED ANY CONTROLLED SUBSTANCE WITHIN THE LAST TEN (10) DAYS IN CONNECTION WITH YOUR EMPLOYMENT?

( ) NO

( ) YES      DATE \_\_\_\_\_

I CERTIFY THAT THE ABOVE INFORMATION IS, TO THE BEST OF MY KNOWLEDGE, TRUE AND CORRECT.

SIGNATURE: \_\_\_\_\_

DATE OF COLLECTION: \_\_\_\_\_

IF FOLLOW-UP IS NECESSARY, MY PREFERRED TELEPHONE NUMBER FOR CONTACT OR MESSAGE IS: AREA (   ) NO. \_\_\_\_\_

NOTE:

ONE COPY TO EMPLOYEE AT TIME OF SPECIMEN COLLECTION  
ONE COPY TO BE PLACED IN SEALED ENVELOPE

## EXHIBIT B

[illegible]

REMARKS:

**CONTRACT CLINICS**

Advantage Care - Artesia  
2499 S. Wilmington Avenue  
Compton, CA 90220

Advantage Care - De Soto  
8919 De Soto Avenue  
Canoga Park, CA 91304

Advantage Care - El Segundo  
500 N. Nash Street  
El Segundo, CA 90245

Advantage Care - Commerce  
3430 S. Garfield Avenue  
Commerce, CA 90040

Advantage Care - Leonis  
2770 Leonis Boulevard  
Vernon, CA 90058

Advantage Care - Metropolitan  
437 E. Washington Boulevard  
Los Angeles, CA 90015

Advantage Care - Torrance  
2055 W. Torrance Boulevard  
Torrance, CA 90501

Advantage Care - Van Nuys  
16300 Roscoe Boulevard  
Van Nuys, CA 91406

Barlow Occupational Health Center  
6331 Greenleaf Avenue  
Whittier, CA 90601

Dalton Medical Group  
10414 Vacco St.  
So. El Monte, CA 91733

Daniel Freeman Hospitals, Inc.  
301 N. Prairie #211  
Inglewood, CA 90301

Daniel Freeman Hospitals, Inc.  
815 N. Sepulveda  
El Segundo, CA 90245

Executive Health Group  
515 S. Flower  
Los Angeles, CA 90071

Foothill Industrial Medical Clinics  
6520 N. Irwindale Avenue  
Irwindale, CA 91702

Foothill Industrial Medical Clinics  
55 S. Raymond  
Alhambra, CA 91801

Foothill Industrial Medical Clinics  
4300 Baldwin Avenue  
El Monte, CA 91731

Foothill Industrial Medical Clinics  
445 Fair Oaks  
Pasadena, CA 91105

Gallatin Medical Clinic  
10720 Paramount Blvd.  
Downey, CA 90241

Intercommunity Workcare Services  
12401 Washington Blvd.  
Whittier, CA 90602

Long Beach Medical Clinic  
1250 Pacific Avenue, Suite #101  
Long Beach, CA 90813

Samaritan Health Center at the  
Hospital of the Good Samaritan  
637 S. Lucas Avenue  
Los Angeles, CA 90017

St. Joseph Occupational Health Center  
3413 Pacific Avenue  
Burbank, CA 91505

Venice-Culver Industrial Center  
12095 W. Washington Blvd.  
Los Angeles, CA 90066

## **ATTACHMENT III**

### **COUNTY OF LOS ANGELES**

#### **PREPLACEMENT DRUG TESTING FOR EMPLOYEE/APPLICANTS (For Employees Not Covered By A Drug Testing Memorandum Of Understanding)**

##### **SECTION 1. SCOPE**

- A. The provisions of this program shall only apply to an employee who applies for a position which requires a urinalysis to detect the presence of drugs as part of the pre-employment medical examination.
- B. The program shall not supersede any departmental drug/alcohol testing program which was in effect prior to the date of approval of this program by the Board of Supervisors or which comes into effect after approval of this program as a result of an agreement with a certified employee organization.

##### **SECTION 2. NOTICE**

Each applicant who is required to provide a urine specimen for drug testing is required to first read and complete the Consent for Drug Analysis. When the form is presented to the applicant, he/she must show the technician positive identification, such as a driver's license. The applicant's signature on the form is witnessed by the technician. If the applicant refuses to sign the consent form or provide a urine sample, the examination process is terminated.

##### **SECTION 3. COLLECTION**

- A. The nurse/technician provides the applicant with a label upon which he/she prints his/her full name, Social Security #, and date of specimen. The nurse/technician writes the applicant's account number onto the label and the applicant places his/her initials below this number on the label. The label is then placed on the laboratory container and the applicant's name, account number and date of collection are recorded in the Lab Specimen Log. This is done in the presence of the applicant, who initials the Lab Specimen Log.

- B. All applicants who are providing urine specimens for drug testing should be given a gown and asked to disrobe. No personal belongings (except for a wallet) are allowed in the restroom; purses can be left in full view of the door. The nurse/technician provides the applicant with a receptacle, cleansing towel and instructions for collecting a specimen.
- C. Prior to obtaining the specimen, the restroom facility is prepared. The commode water is colored with a bluing agent, the water supply turned off (or evidence tape placed over the faucet), soap removed, and the back of the commode taped shut with evidence tape (if it is of a style that allows access into the tank).
- D. The applicant is instructed to wash his/her hands before entering the restroom. He/she is also instructed to not flush the toilet or attempt to turn on the water in the restroom.
- E. If the applicant states that he/she cannot give a specimen at this time, he/she is provided with something to drink and asked to wait until he/she can give one. He/she is advised that procedure requires the specimen be given at this time. Failure to provide a specimen may be reason to disqualify the applicant. If there is a valid medical reason for not giving a specimen, the appropriate County authority is contacted for instructions on how to proceed.
- F. When the applicant returns with the specimen, the technician immediately checks the temperature. If the temperature of the specimen is below 90.5° or above 99.8°F, there is reason to believe the specimen may not be valid, and the applicant is asked to provide another. If the color indicates that the specimen may have been watered down, a notation to this effect is also made on the chain of custody form.
- G. The specimen must be at least 50 milliliters in quantity. If it is not, the applicant is asked to provide another specimen. After the temperature and color of the second specimen is observed (and is acceptable), the specimens are combined and measured for quantity in the presence of the applicant. The specimens will then be split into equal samples, A & B. The specimen to be sent for drug testing shall not have been used for any other testing, including the so called "dip stick" sugar test.

- H. With the applicant observing, the nurse/technician pours the specimen into a pre-labelled laboratory container. The container is then sealed for shipment. The technician should place evidence tape (provided by the laboratory) on the top of the urine tube, covering the cap and side of the tube. The applicant then initials the evidence tape on the top of the cap.
- I. The nurse/technician completes the shipping envelope provided by the laboratory, giving the following information:
- 1) Doctor in Group or Name of Clinic
  - 2) Patient ID# or Social Security#
  - 3) Date
  - 4) Patient Name
  - 5) Panel #
- J. Chain of Custody form is completed next by providing the following information:
- 1) Applicant's Name (SS or ID#)
  - 2) Date of Collection
  - 3) Site of Collection
  - 4) Test or Panel #
  - 5) Signature of Applicant and Clinic Technician

- K. As a final step, the specimen is placed into a laboratory plastic bag with the original Chain of Custody form and sealed. A copy of the Chain of custody form is also stapled to the bag. The bag is placed into the shipping envelope and sealed with evidence tape. Specimens are refrigerated until picked up by the laboratory courier.

#### **SECTION 4. CONSEQUENCES OF A REFUSAL/FAILURE TO TAKE THE PRE-EMPLOYMENT URINALYSIS**

If an employee refuses/fails to take the pre-employment urinalysis, he/she shall be disqualified for medical reasons without the right of appeal under the civil service rules. Further, such medical disqualification shall not be subject to the grievance/arbitration provision in the applicable M.O.U. The employee's refusal/failure to take the urinalysis shall not be a presumption of any misconduct and no disciplinary action shall be taken against the employee.

#### **SECTION 5. LABORATORY TESTING**

- A. Test specimens shall be transported to one of the laboratories listed in Section 5, B. herein, using the same documented chain of custody and standard of care and safety applied to other evidence transported to that laboratory.
- B. Authorized Laboratories

Only the following toxicology laboratories may be used for testing conducted under this agreement:

- 1) Smith Kline Beacham Clinical Laboratory (SBCL)  
Van Nuys, California  
(818) 989-2520
- 2) Laboratory Specialist, Inc. (LSI)  
Chatsworth, California  
(818) 718-0115

- 3) B.P.L. Metwest Laboratory  
Tarzana
- 4) Nichols Institute  
San Diego
- 5) Pharchem Laboratory  
Menlo Park
- 6) Poisonlab  
San Diego

C. Laboratory Receipt of Specimens, Chain of Evidence and Rejection Criteria

Samples received by the laboratory shall be signed in on the collection log sheet. Each sample shall be inspected for evidence of possible tampering. The confidential identification numbers will be compared with the numbers on the collection log sheet serving as the chain of custody document. Any evidence of any tampering, or discrepancies in the identification numbers on the samples and collection log sheet, or in the event that the seal is broken on any sample, that there is no identification number, or the identification number is illegible, such shall be reported to the medical facility and shall be noted on the collection log sheet. Such specimens shall not be tested.

D. Substances To Be Tested

Urine specimens may only be tested for any or all of the following:

- 1) Amphetamines/Methaphetamines
- 2) Benzodiazepines (e.g. Valium, Librium)
- 3) Barbiturates
- 4) Cocaine
- 5) Methadone
- 6) Methaqualone (e.g. Quaalude)
- 7) Opiates



- 8) Phencyclidine (PCP)
- 9) T.H.C. - Tetrahydrocannabinol (Marijuana)

E. Test Steps

1) **Initial Screening**

All specimens tested shall first go through an immunoassay screening test (EMIT) which will be used to eliminate "negative" urine samples from further testing.

Written documentation shall be maintained by the laboratory showing details of all the EMIT screening tests done under this program. These data may be reviewed by consultants to the employee. All samples that initially screen positive shall be stored in a locked freezer until confirmation studies by GC/MS are complete.

2) **Confirmatory Test**

Specimens which were initially screened and found to be positive shall be confirmed using Gas Chromatography/Mass Spectrometry (GC/MS) quantitative techniques.

3) **Cut-off Levels**

Cut-off levels for a positive test are either those established by NIDA for the drugs for which NIDA has made such recommendations, or as established through consultation with County Unions for those drugs on the list that NIDA has not established cut-off level(s). The cut-off levels are as follows:

<u>Drug</u>	<u>Initial Screen (EMIT)</u>	<u>Confirming Test (GC/MS)</u>
Amphetamines (NIDA)	1000 ng/ml	500 ng/ml
Benzodiazapines	300 ng/ml	300 ng/ml

Barbiturates	300 ng/ml	300 ng/ml
Cocaine (NIDA)	300 ng/ml	150 ng/ml
Methadone	300 ng/ml	300 ng/ml
Methaqualone	300 ng/ml	300 ng/ml
Opiates (NIDA)	300 ng/ml	300 ng/ml
P.C.P. (NIDA)	25 ng/ml	25 ng/ml
T.H.C. (NIDA)	100 ng/ml	15 ng/ml

#### **SECTION 6. LABORATORY REPORTING**

- A. The laboratory report, whether negative or positive, shall be returned to the medical facility from which the specimen came.
- B. The medical facility shall include the laboratory report in the applicant's medical examination record when the record is returned to the County Occupational Health Service for final review.

#### **SECTION 7. MEDICAL REVIEW**

- A. The County's Medical Review Officer shall conduct an in-depth review of all tests reported as positive by the laboratory. The MRO shall review the applicant's Pre-test Declaration and shall take such action as may be necessary to examine any alternate medical explanation for a positive test result. Such action may include a voluntary medical interview with the applicant, at the option of the applicant and a review of all medical records made available by the applicant.
- B. Following the above review, the MRO shall arrive at a decision as to whether the test result was caused by appropriate use of medication or other appropriate medical justification. If such justification exists the test shall be interpreted as negative by the MRO.
- C. If there is no such medical justification, the MRO shall interpret the test as positive and so document the medical record.

## **SECTION 8. CONSEQUENCES OF A POSITIVE TEST RESULT**

- A. If the applicant has a positive drug test, he/she shall be medically disqualified from the position for which the test was done.
- B. The applicant shall be notified of this disqualification by means of the Medical Examination Results card normally used for reporting of medical examination results to the applicant.
- C. Notification of a disqualification for a positive test shall include information pertaining to the right to appeal and to have the specimen tested by a laboratory selected by the employee.
- D. For existing employees who are working in a sensitive position and are undergoing a preplacement medical examination for a position for which testing is required, a positive drug test result shall be reported to the employee's current department.

The MRO shall meet with and evaluate the employee. The MRO shall determine whether the employee is in need of a drug rehabilitation/treatment program. If a program is needed, the MRO shall recommend the appropriate type of program.

The employee must voluntarily enter and successfully complete an appropriate treatment/rehabilitation program. Refusal to do so may subject the employee to discipline up to and including discharge.

- E. For existing employees who are not currently working in a sensitive position and have a positive test, the MRO shall meet with and evaluate the employee. The MRO shall determine whether the employee is in need of a drug rehabilitation/treatment program. If a program is needed, the MRO shall recommend the appropriate type of program.

If the employee enters and successfully completes the program, no report of the positive test shall be sent to the employee's current department and no disciplinary action shall result from the positive test.

- F. Disciplinary action in which the drug test result was a factor shall be subject to dispute through the same procedures that would govern any other disciplinary action.

4/18/92  
rs6:testill.x

DRUG FREE WORKPLACE AGREEMENT  
FOR JOINT SUBMISSION  
TO BOARD OF SUPERVISORS  
REGARDING THE  
SUPERVISORY BEACH LIFEGUARDS  
AND  
BEACH LIFEGUARDS EMPLOYEE  
REPRESENTATION UNITS

THIS AGREEMENT MADE AND ENTERED INTO THIS 23rd DAY OF JULY,  
1991

BY AND BETWEEN

AUTHORIZED MANAGEMENT  
REPRESENTATIVE  
(hereinafter referred to as the  
"Department") of the County of  
Los Angeles (hereinafter  
referred to as "County"),

AND

LOS ANGELES COUNTY LIFEGUARD  
ASSOCIATION, LACOLA

AS TO FORM  
W. CLINTON, County Counsel

AGREEMENT BETWEEN THE COUNTY OF LOS ANGELES  
AND THE LOS ANGELES COUNTY ASSOCIATION OF  
LIFEGUARDS FOR DRUG FREE WORKPLACE  
PROMOTIONAL TESTING

This agreement, entered this 23rd day of July 1991, by and between the County of Los Angeles, a body corporate and politic, organized and existing under the State of California, hereinafter referred to as "County", and the Los Angeles County Lifeguard Association, a certified employee organization organized and existing under the laws of the State of California, hereafter referred to as "LACOLA".

WHEREAS, the County's Department of Beaches and Harbors wishes to accomplish a drug free workplace.

WHEREAS, LACOLA is also desirous of accomplishing a drug free workplace.

NOW THEREFORE, in consideration of the mutual covenants herein, the parties agree as follows:

- 1) The Department of Beaches and Harbors will include drug screening as part of the physical examination required before a Recurrent Ocean Lifeguard is promoted to Senior Ocean Lifeguard.
  - A) Before a candidate is initially promoted to either an "A" or "B" item, he/she must successfully pass a drug-screening test.
  - B) If an Ocean Lifeguard has successfully completed a drug screening test within three years, no new test will be conducted for "A" item appointment. If the prior test is more than three years old from the date of the proposed permanent appointment, a new drug screening test must be passed.
  - C) If a candidate does not pass the physical, the Personnel Services Office receives a Medical Placement Card from Occupational Health indicating that the employee is not qualified for the position. If the employee indicates that he/she failed the drug portion of the physical examination, the employee will place himself/herself unavailable on the hiring list during rehabilitation. Upon successful rehabilitation, certified by the Treatment Provider, the employee will then make himself/herself available to return to active duty and must successfully pass a drug screening test before promotion.
  - D) Occupational Health Services of the CAO will report the final physical result but not the reason for a

candidate receiving a Class D (not qualified to perform this job). The result card sent by OHS to the candidate does indicate the reason.

- E) A candidate who fails the physical examination can review the results with OHS and appeal under Civil Service Rule 9.06. No appointments will be made until all test results, including secondary and appeal tests, are completed.
- F) Because the department will not know the reason for an Ocean Lifeguard failing a physical examination for Senior Ocean Lifeguard, rehabilitation cannot be offered unless the employee requests it.

2) The Department of Beaches and Harbors will require a candidate for Lieutenant, Rescue Boat Lieutenant, Supervising Rescue Boat Lieutenant, or Captain to take a drug-screening test as part of the examination process.

- A) Only when a candidate is to be promoted, to either an "A" or "B" item, will he/she be required to take a drug screening test. If the appointment to an "A" item is within three years of appointment to a "B" item, and successful completion of the drug-screening test, no new test is required. If the appointment is more than three years after the previous drug-screening test, a new test will be required.
- B) If the candidate does not pass the drug screening test, the appointment will not be made.
- C) After successful rehabilitation, certified by the Treatment Provider, the candidate must successfully complete a drug screening test before appointment.

3) The results of all drug-screening tests and participation in rehabilitation programs will be confidential; only the Chief Lifeguard, his Assistant, the Assistant Director and the Personnel Officer are aware of anyone who tests positive under #1 or #2 above.

4) The Personnel Officer will work with a candidate who fails the drug screening test to get rehabilitation, counseling, and treatment. The cost of rehabilitation will be the responsibility of the employee. A permanent employee who fails the drug screening, or who comes forward admitting a dependency problem, will be placed on sick leave or a "light duty" assignment, depending on his/her medical condition, until rehabilitation is completed. The Department will make reasonable efforts to accommodate the employee who is in a rehabilitation program.



# COUNTY OF LOS ANGELES CHIEF ADMINISTRATIVE OFFICE

713 HALL OF ADMINISTRATION LOS ANGELES, CALIFORNIA 90012  
974-1101

RICHARD B. DIXON  
CHIEF ADMINISTRATIVE OFFICER

April 16, 1992

The Honorable Board of Supervisors  
County of Los Angeles  
383 Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

**COUNTY DRUG FREE WORKPLACE PROGRAM  
AMENDMENT OF FRINGE BENEFIT AGREEMENT WITH THE COALITION OF  
COUNTY UNIONS  
DRUG TESTING AGREEMENT WITH BEACH LIFEGUARDS (UNIT 641)  
AND SUPERVISORY BEACH LIFEGUARDS (UNIT 642)  
(3-VOTES)**

**BACKGROUND**

On July 29, 1986, the Board requested that the Chief Administrative Officer study the City of Glendale drug testing program and determine the feasibility of adopting a similar program for the County. The program was embroiled in legal disputes for several years, so a full report and recommendations were delayed until the various legal issues and court cases were decided.

In February, 1990, I provided your Board with a report that recommended a model Countywide drug free workplace policy and a model drug free workplace program and indicated the actions necessary to implement such a policy and program.



The Honorable Board of Supervisors  
April 16, 1992  
Page 2

As a follow up to the February, 1990 report, in June, 1990, I advised your Board that my office had reviewed the proposed program with departments and had begun negotiations with all employee organizations. I also indicated that I was prepared to administratively implement several elements of the recommended drug free workplace program. These elements included provision of supervisory training on the identification of substance abuse, pre-employment testing of applicants for sensitive positions and counselling of drug using employees by the County's Employee Assistance Program.

**COMPLETING THE IMPLEMENTATION OF A DRUG FREE WORKPLACE PROGRAM:**

All meet and confer obligations have been met with employee union organizations including Local 660. Agreement has been reached with the Coalition of County Unions and Beach Lifeguard Units 641 and 642.

I now recommend that your Board take the following actions to finalize implementation of the Countywide Drug Free Workplace Program:

- Adopt the County of Los Angeles Drug Free Workplace Policy in Attachment I
- Adopt the Coalition of County Unions and Lifeguard agreements.
- Extend to other County employees a Drug Free Workplace Program (Attachment II and Attachment III) which is identical to that included in the Coalition of County Unions' agreement. Only those employees covered by pre-existing drug abuse prevention agreements should be exempted.

Amendment number 4 to the Fringe Benefit Agreement with the Coalition of County Unions and the agreements with Unit 641 and 642 have been approved as to form by the County Counsel.

The Honorable Board of Supervisors  
April 16, 1992  
Page 3

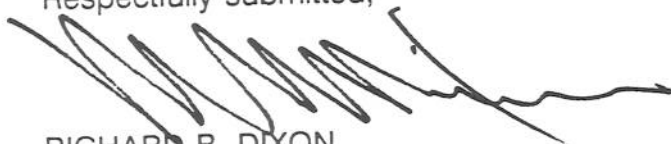
**THEREFORE, IT IS RECOMMENDED THAT YOUR BOARD:**

1. Adopt the County of Los Angeles Drug Free Workplace Policy as shown in Attachment I and instruct Department Heads to implement it in their departments.
2. Approve the accompanying amendment number 4 to the Fringe Benefit Agreement with the Coalition of County Unions.
3. Approve the accompanying drug testing agreements with Beach Lifeguards (Unit 641) and Supervisory Beach Lifeguards (Unit 642).

The Honorable Board of Supervisors  
April 16, 1992  
Page 4

4. Approve the Drug Free Workplace Programs as shown in Attachment II and Attachment III for all other County employees not already covered by an existing drug testing agreement or program.

Respectfully submitted,



RICHARD B. DIXON  
Chief Administrative Officer

RBD:BAC  
OS:GL:rs6

#### Attachments

- c: Executive Officer, Board of Supervisors  
County Counsel  
Auditor-Controller

## **ATTACHMENT I**

### **COUNTY OF LOS ANGELES**

#### **DRUG FREE WORKPLACE POLICY**

It is the policy of the County of Los Angeles that the abuse of drugs, including alcohol, by employees or contract personnel is unacceptable because it adversely affects health, safety, security and productivity as well as public confidence and trust.

Using, possessing, selling or being under the influence of illegal drugs is unlawful, dangerous and is absolutely prohibited at the workplace.

Further, the use of alcohol at the workplace or the misuse of alcohol or prescribed drugs to any extent that impairs safe and effective job performance is also prohibited.

Violation of any element of this policy shall result in disciplinary action up to and including termination.

2/27/92

rs8:drugst2.lbs

**ATTACHMENT II**

**COUNTY OF LOS ANGELES**

**DRUG TESTING PROGRAM**

**(For Employees Not Covered By A  
Drug Testing Memorandum Of Understanding)**

**URINE TESTING-REASONABLE SUSPICION ONLY**

**SECTION 1.       SCOPE**

- A. This program shall not supersede any departmental drug/alcohol testing program which was in effect prior to the date of approval of this program by the Board of Supervisors or which comes into effect after approval of this program as a result of an agreement with a certified employee organization.

**SECTION 2.       AUTHORITY**

- A. The County may require an employee to provide a urine specimen for analysis to detect the presence of drugs or alcohol only if there is reasonable suspicion to believe that the employee is impaired from performing his/her job as a result of drugs or alcohol.
- B. The authority to require a drug/alcohol test does not eliminate or replace the normal supervisory responsibilities for evaluating performance and initiating corrective or disciplinary action when necessary.

**SECTION 3.       REASONABLE SUSPICION DEFINED**

- A. Reasonable suspicion must be based on both objective evidence and reasonable inference from such evidence that an employee's impaired performance is the result of use of drugs or alcohol. Such evidence must include observations by a trained supervisor or manager of typical indicators of intoxication or impairment caused by drugs or alcohol which are not reasonably explained as resulting from causes other than the use of drugs or alcohol.

- B. Observation of the use of drugs or alcohol in conjunction with observation of typical indicators of intoxication or impairment may be considered reasonable suspicion.
- C. Reasonable suspicion must be confirmed by a second supervisor, manager, or other reliable witness unless it is not possible to do so. If it is impossible to have such witness, the reason for no witness will be documented in the observation statement described in Section 3D below.
- D. The supervisor or manager shall document in writing all observations which provide the basis for reasonable suspicion and this documentation shall be signed by the confirming observer, unless impossible pursuant to 3C above.
- E. A copy of the signed documentation shall be provided to the employee prior to the requirement of testing. The employee shall be given an opportunity to provide a reasonable explanation other than the use of drugs or alcohol for any alleged intoxication or impairment.
- F. The employee shall be informed of his/her right to representation prior to the request for an explanation or the requirement of testing. Exercising this right, however, shall not cause an unreasonable delay (usually not more than four (4) hours) in obtaining a specimen.

#### **SECTION 4. SPECIMEN COLLECTION AND ANALYSIS**

##### **A. Program Roles Defined**

###### **1. Chief Administrative Officer**

The Chief Administrative Officer, or his/her delegate authorized to act in his behalf, is designated as the County's Drug Abuse Program Director. The Drug Abuse Program Director shall have overall responsibility for Countywide coordination of this program.

2. Medical Review Officer

The Medical Review Officer (MRO) shall be a licensed physician who has a knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's positive test result together with his or her medical history and any other relevant biomedical information. The responsibility for the assignment of the appropriately qualified physician and for ensuring his availability is that of the Drug Abuse Program Director.

B. Confidentiality of Testing

Employees subjected to urine testing under this agreement shall be assigned a confidential test identification number. The actual collection process shall be as discreet as possible and shall respect the dignity of the employee.

C. Notification of Selection

Urine specimen collection will be done at an employee's work location or, if not appropriate, a contract medical facility, only.

The employee's immediate supervisor shall assist by arranging for employee(s) to present himself/herself for testing. The employee's immediate supervisor shall also assist by locating and securing restroom facilities that best meet the requirements of the collection procedure.

Every effort shall be made by the employee's supervisors to ensure that said testing is handled on an absolutely confidential basis, both before and after the test is administered.

D. Collection Site Privacy and Security

The actual collection process takes only a few minutes. However, because there must be rigorous controls for privacy, security and chain-of-evidence purposes, choosing the most appropriate restroom is crucial.

The restroom selected as a collection site shall be equipped with a sink to allow employees to wash their hands, a toilet, and be equipped with a stall for privacy.

During the specimen collection process, no unauthorized personnel shall be permitted in the restroom. The only authorized personnel are the employee and the Collection Team Member of the same sex. Another Collection Team Member shall remain outside the restroom and shall bar entry for the time it takes to collect and package a specimen.

E. Employee Identification, Advisory Statement and Pre-Test Declaration Form

When the Collection Site Team contacts an employee, the employee shall be asked to present his/her County issued photo identification card or California Driver's License or California Identification Card as issued by the State Department of Motor Vehicles. If the employee is unable to present proper identification, he/she must be identified by his/her immediate supervisor.

The employee will also be asked to complete a Pre-test Declaration form (Exhibit "A"). The form elicits information about recent use of prescription and non-prescription medications, and accidental exposure to controlled substances. The form shall contain the employee's confidential test number. It is to be placed in a sealed envelope by the employee and given to the Collection Team. The form will be destroyed without being reviewed if the results are negative.

F. Collection, Integrity and Identification of Specimen

1. Worksite Collection

After an employee has been properly identified, briefed about the reason for the test and has completed the Pre-test Declaration form, the mechanics of the collection process shall be explained. The Collection Team shall require the employee to remove any unnecessary outer garment (e.g., coats, jackets, etc.) and shall visually check for signs of concealed items that might be used to adulterate or substitute a sample. Personal belongings such as briefcases, purses, etc., must remain with the employee's outer garments. The employee shall retain control of his/her wallet.



The employee shall wash and dry his/her hands prior to providing a urine specimen. There shall be no further access to water, soap, any chemical agent, or other materials which could be used to adulterate the specimen until after it has been provided.

The Collection Team shall place a toilet bluing agent in the toilet bowl and, if the toilet is so equipped, in the reservoir tank. The purpose of this procedure is to deter the dilution of the specimen.

The employee shall be required to provide a specimen in a large, wide mouthed, easily carried, plastic non-reusable cup, unobserved and in the privacy of a stall or otherwise partitioned area. Unusual behavior shall be noted by the Collection Team on the Collection Log Sheet (Exhibit "B").

The employee will select two approved specimen bottles (samples A and B). The containers will have affixed to them specially prepared labels showing the employee's confidential identification number. The employee shall then provide a urine specimen and divide it equally between the two bottles in the presence of the Collection Team.

A minimum of 50 milliliters (1.7 fluid ounces) must be provided or the specimen will be considered incomplete. If the Collection Team determines that there is an insufficient amount of urine (less than 50 milliliters total) in the specimen bottles, additional urine shall be collected and the insufficient sample(s) shall be discarded. In this instance, the employee shall remain under the supervision of the Collection Team. The employee shall be asked to drink fluids to aid in urination and shall be allowed a reasonable amount of time to furnish additional urine.

Immediately after a specimen collection, the Collection Team shall ensure the temperature is between 90 and 100 degrees Fahrenheit. The Collection Team shall also inspect the specimen for signs of adulteration (e.g., contaminants, color, etc.). Unusual findings should be noted in the remarks section of the Collection Log Sheet.

In the presence of the Collection Team the employee shall secure lids on the specimen bottles. The Collection Team shall then seal the lids with evidence tape. If at the time of collection, there is reason to believe that the specimens have been diluted, adulterated, substituted, or in any way tampered with, the Collection Team shall report the matter on the Collection Log Sheet. The Collection Team may report those observations on the Collection Log Sheet, in writing to the laboratory, which may analyze the suspect specimens. The results of those analyses shall be reported in the written laboratory report to the MRO for further action, if any is needed.

## 2. Alternate Collection Procedure

As an alternative to collection of the urine specimen at the worksite the employee may request, or management may require employee to be transported to a contract medical facility listed in Exhibit C. Management may only require an employee to be transported if the collection can not appropriately take place at the work site. Such transportation shall meet the following guidelines:

- a. The employee will be driven by someone other than his/her immediate supervisor, unless the supervisor and the employee agree that the supervisor is the most suitable person.
- b. Public transportation such as a taxicab may be utilized. In such case the department will provide a suitable person from the department to accompany the individual. Again, the supervisor should not be utilized unless there is agreement with the employee that the supervisor is the most suitable person.
- c. Security personnel from the department or from Internal Services may also be utilized for transporting the employee to the medical facility.
- d. Specimen collection at the medical facility shall conform to the guideline procedure as described in 4.F., Collection, Integrity and Identification of Specimen, herein above.

G. Refusal to Provide Urine Specimen

An employee who refuses to consent to a drug or alcohol test shall not be subject to disciplinary action for that refusal. However, the fact of the refusal shall constitute a rebuttable presumption that the employee was under the influence of drugs and/or alcohol at the time of the order to submit to the urine test.

Note: Failure to provide a specimen within a reasonable period of time (usually not more than four (4) hours) may constitute a refusal to take a urine test.

H. Chain of Custody

Test specimens shall be transported to one of the laboratories listed in Section 5.B. herein using the same documented chain of custody and standard of care and safety applied to other evidence transported to that laboratory. Sealed specimen bottles shall be placed in a locked portable container and kept under the direct control of the Collection Team until it leaves custody at the laboratory. Only the Collection Team and laboratory personnel shall possess keys to the portable specimen container.

No written remarks about container contents or test employee identities shall be made on the container except as required by the laboratory. The Collection Log Sheet and Pre-test Declaration forms shall be locked inside the specimen container and, upon delivery to the laboratory, both the transporting employee and the laboratory employee authorized to receive the specimens shall open the container.

They shall obtain the Collection Log Sheet and note their identities in the appropriate place on the form. At this point, the laboratory assumes custody of the specimens, Collection Log Sheets and sealed envelope containing the Pre-test Declaration form.

A copy of the Collection Log Sheet shall be retained by the Collection Team.

## **SECTION 5.      LABORATORY TESTING**

### **A.      Test Methodology**

The testing methodology will be based on a laboratory examination of a urine specimen and shall meet all analytical, quality assurance and quality control standards as set by NIDA.

Laboratory analyses of urine specimens shall be restricted to those tests authorized by this agreement to detect drug abuse. They shall not be used for other purposes, such as the analyses of physiological states or diseases (e.g., pregnancy, AIDS).

### **B.      Authorized Laboratories**

Only the following toxicology laboratories may be used for testing conducted under this agreement for employees represented by the Coalition:

1.      Smith Kline Becham Clinical Laboratory (SBCL)  
         Van Nuys, California  
         (818) 989-2520
2.      Laboratory Specialist, Inc. (LSI)  
         Chatsworth, California  
         (818) 718-0115
3.      Damon Clinical Laboratory  
         Newberry Park, California  
         (805) 498-3181
4.      Healthtech  
         Long Beach, California  
         (800) 654-1172
5.      B.P.L. Metwest Laboratory  
         Tarzana

6. Nichols Institute  
San Diego
7. Pharchem Laboratory  
Menlo Park
8. Poisonlab  
San Diego

C. Laboratory Receipt of Specimens, Chain of Evidence and Rejection Criteria

Samples received by the laboratory shall be signed in on the Collection Log Sheet. Each sample shall be inspected for evidence of possible tampering. The employee confidential identification numbers will be compared with the numbers on the Collection Log Sheet serving as the chain of custody document. Any evidence of any tampering, or discrepancies in the identification numbers on the samples and Collection Log Sheet, or in the event that the seal is broken on either sample, that there is no identification number, or the identification number is illegible, such shall be reported to the Drug Abuse Program Director and shall be noted on the Collection Log Sheet. Such specimens shall not be tested.

D. Substances To Be Tested

Urine specimens may only be tested for any or all of the following:

1. Amphetamines/Methaphetamines
2. Benzodiazepines (e.g. Valium, Librium)
3. Barbiturates
4. Cocaine
5. Methadone
6. Methaqualone (e.g. Quaalude)
7. Opiates

8. Phencyclidine (PCP)
9. T.H.C. - Tetrahydrocannabinol (Marijuana)
10. Alcohol

E. Test Steps

1. Initial Screening

All specimens tested shall first go through an immunoassay screening test (EMIT) which will be used to eliminate "negative" urine samples from further testing.

Written documentation shall be maintained by the laboratory showing details of all the EMIT screening tests done under this program. These data may be reviewed by consultants to the employee. All samples that initially screen positive shall be stored in a locked freezer until confirmation studies by GC/MS are complete.

2. Confirmatory Test

Specimens which were initially screened and found to be positive shall be confirmed using Gas Chromatography/Mass Spectrometry (GC/MS) quantitative techniques.

3. Cut-off Levels

Cut-off levels for a positive test are either those established by NIDA for the drugs for which NIDA has made such recommendations, or as established through consultation with County Unions for those drugs on the list for which NIDA has not established cut-off level(s). The cut-off levels are as follows:

<u>Drug</u>	<u>Initial Screen</u>	<u>Confirming Test</u>
	(EMIT)	(GC/MS)

Amphetamines (NIDA)	1000 ng/ml	500 ng/ml
Benzodiazapines	300 ng/ml	300 ng/ml
Barbiturates	300 ng/ml	300 ng/ml
Cocaine (NIDA)	300 ng/ml	150 ng/ml
Methadone	300 ng/ml	300 ng/ml
Methaqualone	300 ng/ml	300 ng/ml
Opiates (NIDA)	300 ng/ml	300 ng/ml
P.C.P. (NIDA)	25 ng/ml	25 ng/ml
T.H.C. (NIDA)	100 ng/ml	15 ng/ml
Alcohol	.05g %	.05g %

## **SECTION 6.      LABORATORY REPORTING**

### **A.      Preparation of Laboratory Report - Negative Test Specimens**

The laboratory shall prepare a report, by confidential test identification number, of any specimen screened as negative and shall forward such report to the Medical Review Officer. The Medical Review Officer will notify the employee and the department of the negative test. The employee shall be given the choice of having the test results made part of his/her record or having the Medical Review Officer destroy the report and pre-test declaration and all references to a test being conducted.

### **B.      Preparation of Laboratory Reports - Positive Test Specimens**

In the event that a specimen is found to be positive by the GC/MS process, the laboratory shall prepare a written report. The original report shall be retained by the laboratory. One copy, along with the sealed pre-test declaration form, shall be sent to the Medical Review Officer.

The laboratory report shall contain the following information:

1.      Employee confidential test identification number.
2.      The drug identified.

3. The initial screening method.
4. The date screened.
5. The screening analyst's name.
6. The printed output from the immunoassay screening instrument pertaining to the batch of samples which includes the positive sample. That output will include the data from the relevant standards, blanks, quality control samples, and positive sample.
7. The confirmation method.
8. The date confirmed.
9. The confirming analyst's name and signature.
10. The graphs and reports pertaining to the gas chromatographmass spectrometer analysis of the relevant batch of samples and associated controls and quantitative standards.
11. The name and signature of the reviewing laboratory supervisor.
12. Collection Log Sheet.

Following confirmation, all positive urine samples are to be frozen and retained for a minimum of one (1) year by the laboratory, except when an employee appeals any negative action taken by the County, then the sample shall be maintained until all appeals are concluded.

## **SECTION 7.      REVIEW OF RESULTS**

### **A.      Report of Laboratory Results**

The Medical Review Officer shall report to the tested employee the results of all urine tests within four business days from collection of sample.



B. Preliminary Determination

The laboratory shall notify the Medical Review Officer whenever it confirms a positive test result.

C. Medical Review

The Medical Review Officer shall conduct an in-depth review of all tests reported as positive by the Laboratory. The laboratory report will include all materials specified in Section 6, B. above. The MRO shall review the test subject's Pre-test Declaration and shall take such action as may be necessary to examine any alternate medical explanation for a positive test result. Such action may include a voluntary medical interview with the employee, at the option of the employee, and a review of all medical records made available by the employee.

The MRO will arrange an interview with the employee (employee's option). The MRO will try to contact the employee utilizing the daytime telephone number designated by the employee on the Pre-test Declaration form.

The MRO is authorized to terminate the process if the MRO determines that the test result was caused by appropriate use of medication. The MRO will then prepare a written report to the Department Head limited to his statement of conclusion. No further action will be taken.

If the MRO cannot close the case, he/she will contact the Program Director regarding the need for additional information in order to verify the employee's statements. The Program Director will immediately verify the facts presented by the employee. The information obtained will be provided to the Medical Review Officer. The Medical Review Officer will prepare a written report to the Department Head limited to a statement of conclusion.

D. Employee Notification

If the MRO does not find appropriate medical justification for the positive laboratory findings, he/she shall notify the employee and prepare a written report to the Department. Upon notification to the employee of a positive finding, the employee

shall be provided with the laboratory report (as described in Section 6,B. above) and the MRO's written report. The employee also shall be provided with a written notice of his/her right to have the second sample (Sample B) independently tested and reviewed by an independent MRO.

E. Retesting

When the laboratory has confirmed a positive test result, the employee or his representative may request that a GC/MS test of Sample B be conducted at another approved laboratory listed in Section 4, B. herein.

If the test results are positive, an independent Medical Review Officer selected by the employee or his/her representative will review the findings and interview the employee (at employee option). The MRO will prepare a report to be given to the Drug Abuse Program Director with a copy to the employee.

If the results of the Sample B tests are negative, the Drug Abuse Program Director may request that GC/MS tests of Samples A and B be performed at a third laboratory listed in Section 5, B. herein.

If the test results from the third laboratory are negative, or if the Program Director elects not to have a third chemical test, no further action will be taken.

If the test results from the third laboratory are positive, an independent Medical Review Officer agreed upon by the employee and the Program Director will review the findings and interview the employee (at employee option). The MRO will prepare a report to be given to the Drug Abuse Program Director with a copy to the employee.

The County shall pay for all such testing. All such testing of an employee covered by this agreement shall be on County time.

F. Audit Trail

Urine Testing results are inadmissible in any proceeding without an audit trail showing compliance with each aspect of this procedure. Burden of showing compliance is on the County.

**SECTION 8. CONSEQUENCES OF A POSITIVE TEST RESULT**

If an employee tests positive for drugs or alcohol in a urine test conducted pursuant to the procedure set forth herein, the appointing authority may take disciplinary action for proper cause and rely on the positive test result in conjunction with the employee's observed behavior at the time that the test was ordered.

Departments shall consider the appropriateness of the employee voluntarily entering and completing an alcohol/drug abuse treatment program in lieu of or to mitigate the severity of discipline.

Any disciplinary action taken as a result of a positive drug test in conjunction with the employee's observed behavior on the job shall be subject to dispute through the same procedures that would govern any other disciplinary action.

**PRE URINE TEST DECLARATION**

THIS FORM SHALL BE SEALED AND SHALL NOT BE OPENED UNLESS THE RESULTS OF THIS URINE TEST ARE CONFIRMED AS POSITIVE. ALL OTHER SEALED DECLARATIONS SHALL BE DESTROYED WITHOUT BEING OPENED.

EMPLOYEE'S NAME: \_\_\_\_\_ CONFIDENTIAL TEST NO. \_\_\_\_\_

LIST ANY PRESCRIPTION OR OVER-THE-COUNTER NON-PRESCRIPTION MEDICATIONS YOU ARE NOW TAKING OR HAVE TAKEN DURING THE LAST THIRTY (30) DAYS. SPECIFY THE REASON FOR THE MEDICATION(S), THE AMOUNT LAST TAKEN AND THE DATE. ALSO, INDICATE THE NAME OF THE HEALTH CARE PROVIDER PRESCRIBING ANY MEDICATION(S).

SUBSTANCE	REASON FOR TAKING	DATE LAST TAKEN	AMOUNT	PRESCRIBING HEALTH CARE PROVIDER	OFFICE LOCATION

HAVE YOU INGESTED, INHALED OR ABSORBED ANY CONTROLLED SUBSTANCE WITHIN THE LAST TEN (10) DAYS IN CONNECTION WITH YOUR EMPLOYMENT?

( ) NO  
( ) YES      DATE \_\_\_\_\_

I CERTIFY THAT THE ABOVE INFORMATION IS, TO THE BEST OF MY KNOWLEDGE, TRUE AND CORRECT.

SIGNATURE: \_\_\_\_\_

DATE OF COLLECTION: \_\_\_\_\_

IF FOLLOW-UP IS NECESSARY, MY PREFERRED TELEPHONE NUMBER FOR CONTACT OR MESSAGE IS: AREA ( ) NO. \_\_\_\_\_

NOTE:

ONE COPY TO EMPLOYEE AT TIME OF SPECIMEN COLLECTION  
ONE COPY TO BE PLACED IN SEALED ENVELOPE

EVHTRT R

[illegible]

REMARKS:

**CONTRACT CLINICS**

Advantage Care - Artesia  
2499 S. Wilmington Avenue  
Compton, CA 90220

Advantage Care - De Soto  
8919 De Soto Avenue  
Canoga Park, CA 91304

Advantage Care - El Segundo  
500 N. Nash Street  
El Segundo, CA 90245

Advantage Care - Commerce  
3430 S. Garfield Avenue  
Commerce, CA 90040

Advantage Care - Leonis  
2770 Leonis Boulevard  
Vernon, CA 90058

Advantage Care - Metropolitan  
437 E. Washington Boulevard  
Los Angeles, CA 90015

Advantage Care - Torrance  
2055 W. Torrance Boulevard  
Torrance, CA 90501

Advantage Care - Van Nuys  
16300 Roscoe Boulevard  
Van Nuys, CA 91406

Barlow Occupational Health Center  
6331 Greenleaf Avenue  
Whittier, CA 90601

Dalton Medical Group  
10414 Vacco St.  
So. El Monte, CA 91733

Daniel Freeman Hospitals, Inc.  
301 N. Prairie #211  
Inglewood, CA 90301

Daniel Freeman Hospitals, Inc.  
815 N. Sepulveda  
El Segundo, CA 90245

Executive Health Group  
515 S. Flower  
Los Angeles, CA 90071

Foothill Industrial Medical Clinics  
6520 N. Irwindale Avenue  
Irwindale, CA 91702

Foothill Industrial Medical Clinics  
55 S. Raymond  
Alhambra, CA 91801

Foothill Industrial Medical Clinics  
4300 Baldwin Avenue  
El Monte, CA 91731

Foothill Industrial Medical Clinics  
445 Fair Oaks  
Pasadena, CA 91105

Gallatin Medical Clinic  
10720 Paramount Blvd.  
Downey, CA 90241

Intercommunity Workcare Services  
12401 Washington Blvd.  
Whittier, CA 90602

Long Beach Medical Clinic  
1250 Pacific Avenue, Suite #101  
Long Beach, CA 90813

Samaritan Health Center at the  
Hospital of the Good Samaritan  
637 S. Lucas Avenue  
Los Angeles, CA 90017

St. Joseph Occupational Health Center  
3413 Pacific Avenue  
Burbank, CA 91505

Venice-Culver Industrial Center  
12095 W. Washington Blvd.  
Los Angeles, CA 90066

## **ATTACHMENT III**

### **COUNTY OF LOS ANGELES**

#### **PREPLACEMENT DRUG TESTING FOR EMPLOYEE/APPLICANTS (For Employees Not Covered By A Drug Testing Memorandum Of Understanding)**

##### **SECTION 1. SCOPE**

- A. The provisions of this program shall only apply to an employee who applies for a position which requires a urinalysis to detect the presence of drugs as part of the pre-employment medical examination.
- B. The program shall not supersede any departmental drug/alcohol testing program which was in effect prior to the date of approval of this program by the Board of Supervisors or which comes into effect after approval of this program as a result of an agreement with a certified employee organization.

##### **SECTION 2. NOTICE**

Each applicant who is required to provide a urine specimen for drug testing is required to first read and complete the Consent for Drug Analysis. When the form is presented to the applicant, he/she must show the technician positive identification, such as a driver's license. The applicant's signature on the form is witnessed by the technician. If the applicant refuses to sign the consent form or provide a urine sample, the examination process is terminated.

##### **SECTION 3. COLLECTION**

- A. The nurse/technician provides the applicant with a label upon which he/she prints his/her full name, Social Security #, and date of specimen. The nurse/technician writes the applicant's account number onto the label and the applicant places his/her initials below this number on the label. The label is then placed on the laboratory container and the applicant's name, account number and date of collection are recorded in the Lab Specimen Log. This is done in the presence of the applicant, who initials the Lab Specimen Log.



- B. All applicants who are providing urine specimens for drug testing should be given a gown and asked to disrobe. No personal belongings (except for a wallet) are allowed in the restroom; purses can be left in full view of the door. The nurse/technician provides the applicant with a receptacle, cleansing towel and instructions for collecting a specimen.
- C. Prior to obtaining the specimen, the restroom facility is prepared. The commode water is colored with a bluing agent, the water supply turned off (or evidence tape placed over the faucet), soap removed, and the back of the commode taped shut with evidence tape (if it is of a style that allows access into the tank).
- D. The applicant is instructed to wash his/her hands before entering the restroom. He/she is also instructed to not flush the toilet or attempt to turn on the water in the restroom.
- E. If the applicant states that he/she cannot give a specimen at this time, he/she is provided with something to drink and asked to wait until he/she can give one. He/she is advised that procedure requires the specimen be given at this time. Failure to provide a specimen may be reason to disqualify the applicant. If there is a valid medical reason for not giving a specimen, the appropriate County authority is contacted for instructions on how to proceed.
- F. When the applicant returns with the specimen, the technician immediately checks the temperature. If the temperature of the specimen is below 90.5° or above 99.8°F, there is reason to believe the specimen may not be valid, and the applicant is asked to provide another. If the color indicates that the specimen may have been watered down, a notation to this effect is also made on the chain of custody form.
- G. The specimen must be at least 50 milliliters in quantity. If it is not, the applicant is asked to provide another specimen. After the temperature and color of the second specimen is observed (and is acceptable), the specimens are combined and measured for quantity in the presence of the applicant. The specimens will then be split into equal samples, A & B. The specimen to be sent for drug testing shall not have been used for any other testing, including the so called "dip stick" sugar test.



- H. With the applicant observing, the nurse/technician pours the specimen into a pre-labelled laboratory container. The container is then sealed for shipment. The technician should place evidence tape (provided by the laboratory) on the top of the urine tube, covering the cap and side of the tube. The applicant then initials the evidence tape on the top of the cap.
- I. The nurse/technician completes the shipping envelope provided by the laboratory, giving the following information:
- 1) Doctor in Group or Name of Clinic
  - 2) Patient ID# or Social Security#
  - 3) Date
  - 4) Patient Name
  - 5) Panel #
- J. Chain of Custody form is completed next by providing the following information:
- 1) Applicant's Name (SS or ID#)
  - 2) Date of Collection
  - 3) Site of Collection
  - 4) Test or Panel #
  - 5) Signature of Applicant and Clinic Technician

- K. As a final step, the specimen is placed into a laboratory plastic bag with the original Chain of Custody form and sealed. A copy of the Chain of custody form is also stapled to the bag. The bag is placed into the shipping envelope and sealed with evidence tape. Specimens are refrigerated until picked up by the laboratory courier.

**SECTION 4. CONSEQUENCES OF A REFUSAL/FAILURE TO TAKE THE PRE-EMPLOYMENT URINALYSIS**

If an employee refuses/fails to take the pre-employment urinalysis, he/she shall be disqualified for medical reasons without the right of appeal under the civil service rules. Further, such medical disqualification shall not be subject to the grievance/arbitration provision in the applicable M.O.U. The employee's refusal/failure to take the urinalysis shall not be a presumption of any misconduct and no disciplinary action shall be taken against the employee.

**SECTION 5. LABORATORY TESTING**

- A. Test specimens shall be transported to one of the laboratories listed in Section 5, B. herein, using the same documented chain of custody and standard of care and safety applied to other evidence transported to that laboratory.
- B. Authorized Laboratories

Only the following toxicology laboratories may be used for testing conducted under this agreement:

- 1) Smith Kline Beacham Clinical Laboratory (SBCL)  
Van Nuys, California  
(818) 989-2520
- 2) Laboratory Specialist, Inc. (LSI)  
Chatsworth, California  
(818) 718-0115

- 3) B.P.L. Metwest Laboratory  
Tarzana
- 4) Nichols Institute  
San Diego
- 5) Pharchem Laboratory  
Menlo Park
- 6) Poisonlab  
San Diego

C. Laboratory Receipt of Specimens, Chain of Evidence and Rejection Criteria

Samples received by the laboratory shall be signed in on the collection log sheet. Each sample shall be inspected for evidence of possible tampering. The confidential identification numbers will be compared with the numbers on the collection log sheet serving as the chain of custody document. Any evidence of any tampering, or discrepancies in the identification numbers on the samples and collection log sheet, or in the event that the seal is broken on any sample, that there is no identification number, or the identification number is illegible, such shall be reported to the medical facility and shall be noted on the collection log sheet. Such specimens shall not be tested.

D. Substances To Be Tested

Urine specimens may only be tested for any or all of the following:

- 1) Amphetamines/Methaphetamines
- 2) Benzodiazepines (e.g. Valium, Librium)
- 3) Barbiturates
- 4) Cocaine
- 5) Methadone
- 6) Methaqualone (e.g. Quaalude)
- 7) Opiates

- 8) Phencyclidine (PCP)
- 9) T.H.C. - Tetrahydrocannabinol (Marijuana)

E. Test Steps

1) **Initial Screening**

All specimens tested shall first go through an immunoassay screening test (EMIT) which will be used to eliminate "negative" urine samples from further testing.

Written documentation shall be maintained by the laboratory showing details of all the EMIT screening tests done under this program. These data may be reviewed by consultants to the employee. All samples that initially screen positive shall be stored in a locked freezer until confirmation studies by GC/MS are complete.

2) **Confirmatory Test**

Specimens which were initially screened and found to be positive shall be confirmed using Gas Chromatography/Mass Spectrometry (GC/MS) quantitative techniques.

3) **Cut-off Levels**

Cut-off levels for a positive test are either those established by NIDA for the drugs for which NIDA has made such recommendations, or as established through consultation with County Unions for those drugs on the list that NIDA has not established cut-off level(s). The cut-off levels are as follows:

<u>Drug</u>	<u>Initial Screen (EMIT)</u>	<u>Confirming Test (GC/MS)</u>
Amphetamines (NIDA)	1000 ng/ml	500 ng/ml
Benzodiazapines	300 ng/ml	300 ng/ml

Barbiturates	300 ng/ml	300 ng/ml
Cocaine (NIDA)	300 ng/ml	150 ng/ml
Methadone	300 ng/ml	300 ng/ml
Methaqualone	300 ng/ml	300 ng/ml
Opiates (NIDA)	300 ng/ml	300 ng/ml
P.C.P. (NIDA)	25 ng/ml	25 ng/ml
T.H.C. (NIDA)	100 ng/ml	15 ng/ml

#### **SECTION 6. LABORATORY REPORTING**

- A. The laboratory report, whether negative or positive, shall be returned to the medical facility from which the specimen came.
- B. The medical facility shall include the laboratory report in the applicant's medical examination record when the record is returned to the County Occupational Health Service for final review.

#### **SECTION 7. MEDICAL REVIEW**

- A. The County's Medical Review Officer shall conduct an in-depth review of all tests reported as positive by the laboratory. The MRO shall review the applicant's Pre-test Declaration and shall take such action as may be necessary to examine any alternate medical explanation for a positive test result. Such action may include a voluntary medical interview with the applicant, at the option of the applicant and a review of all medical records made available by the applicant.
- B. Following the above review, the MRO shall arrive at a decision as to whether the test result was caused by appropriate use of medication or other appropriate medical justification. If such justification exists the test shall be interpreted as negative by the MRO.
- C. If there is no such medical justification, the MRO shall interpret the test as positive and so document the medical record.

## **SECTION 8. CONSEQUENCES OF A POSITIVE TEST RESULT**

- A. If the applicant has a positive drug test, he/she shall be medically disqualified from the position for which the test was done.
- B. The applicant shall be notified of this disqualification by means of the Medical Examination Results card normally used for reporting of medical examination results to the applicant.
- C. Notification of a disqualification for a positive test shall include information pertaining to the right to appeal and to have the specimen tested by a laboratory selected by the employee.
- D. For existing employees who are working in a sensitive position and are undergoing a preplacement medical examination for a position for which testing is required, a positive drug test result shall be reported to the employee's current department.

The MRO shall meet with and evaluate the employee. The MRO shall determine whether the employee is in need of a drug rehabilitation/treatment program. If a program is needed, the MRO shall recommend the appropriate type of program.

The employee must voluntarily enter and successfully complete an appropriate treatment/rehabilitation program. Refusal to do so may subject the employee to discipline up to and including discharge.

- E. For existing employees who are not currently working in a sensitive position and have a positive test, the MRO shall meet with and evaluate the employee. The MRO shall determine whether the employee is in need of a drug rehabilitation/treatment program. If a program is needed, the MRO shall recommend the appropriate type of program.

If the employee enters and successfully completes the program, no report of the positive test shall be sent to the employee's current department and no disciplinary action shall result from the positive test.

- F. Disciplinary action in which the drug test result was a factor shall be subject to dispute through the same procedures that would govern any other disciplinary action.

4/18/92  
rs6:estill.x

DRUG FREE WORKPLACE AGREEMENT  
FOR JOINT SUBMISSION  
TO BOARD OF SUPERVISORS  
REGARDING THE  
SUPERVISORY BEACH LIFEGUARDS  
AND  
BEACH LIFEGUARDS EMPLOYEE  
REPRESENTATION UNITS

THIS AGREEMENT MADE AND ENTERED INTO THIS 23rd DAY OF JULY,  
1991

BY AND BETWEEN

AUTHORIZED MANAGEMENT  
REPRESENTATIVE  
(hereinafter referred to as the  
"Department") of the County of  
Los Angeles (hereinafter  
referred to as "County").

AND

LOS ANGELES COUNTY LIFEGUARD  
ASSOCIATION, LACOLA

AS TO FORM  
W. CLINTON, County Counsel



AGREEMENT BETWEEN THE COUNTY OF LOS ANGELES  
AND THE LOS ANGELES COUNTY ASSOCIATION OF  
LIFEGUARDS FOR DRUG FREE WORKPLACE  
PROMOTIONAL TESTING

This agreement, entered this 23rd day of July 1991, by and between the County of Los Angeles, a body corporate and politic, organized and existing under the State of California, hereinafter referred to as "County", and the Los Angeles County Lifeguard Association, a certified employee organization organized and existing under the laws of the State of California, hereafter referred to as "LACOLA".

WHEREAS, the County's Department of Beaches and Harbors wishes to accomplish a drug free workplace.

WHEREAS, LACOLA is also desirous of accomplishing a drug free workplace.

NOW THEREFORE, in consideration of the mutual covenants herein, the parties agree as follows:

- 1) The Department of Beaches and Harbors will include drug screening as part of the physical examination required before a Recurrent Ocean Lifeguard is promoted to Senior Ocean Lifeguard.
  - A) Before a candidate is initially promoted to either an "A" or "B" item, he/she must successfully pass a drug-screening test.
  - B) If an Ocean Lifeguard has successfully completed a drug screening test within three years, no new test will be conducted for "A" item appointment. If the prior test is more than three years old from the date of the proposed permanent appointment, a new drug screening test must be passed.
  - C) If a candidate does not pass the physical, the Personnel Services Office receives a Medical Placement Card from Occupational Health indicating that the employee is not qualified for the position. If the employee indicates that he/she failed the drug portion of the physical examination, the employee will place himself/herself unavailable on the hiring list during rehabilitation. Upon successful rehabilitation, certified by the Treatment Provider, the employee will then make himself/herself available to return to active duty and must successfully pass a drug screening test before promotion.
  - D) Occupational Health Services of the CAO will report the final physical result but not the reason for a

candidate receiving a Class D (not qualified to perform this job). The result card sent by OHS to the candidate does indicate the reason.

- E) A candidate who fails the physical examination can review the results with OHS and appeal under Civil Service Rule 9.06. No appointments will be made until all test results, including secondary and appeal tests, are completed.
- F) Because the department will not know the reason for an Ocean Lifeguard failing a physical examination for Senior Ocean Lifeguard, rehabilitation cannot be offered unless the employee requests it.

2) The Department of Beaches and Harbors will require a candidate for Lieutenant, Rescue Boat Lieutenant, Supervising Rescue Boat Lieutenant, or Captain to take a drug-screening test as part of the examination process.

- A) Only when a candidate is to be promoted, to either an "A" or "B" item, will he/she be required to take a drug screening test. If the appointment to an "A" item is within three years of appointment to a "B" item, and successful completion of the drug-screening test, no new test is required. If the appointment is more than three years after the previous drug-screening test, a new test will be required.
- B) If the candidate does not pass the drug screening test, the appointment will not be made.
- C) After successful rehabilitation, certified by the Treatment Provider, the candidate must successfully complete a drug screening test before appointment.

3) The results of all drug-screening tests and participation in rehabilitation programs will be confidential; only the Chief Lifeguard, his Assistant, the Assistant Director and the Personnel Officer are aware of anyone who tests positive under #1 or #2 above.

4) The Personnel Officer will work with a candidate who fails the drug screening test to get rehabilitation, counseling, and treatment. The cost of rehabilitation will be the responsibility of the employee. A permanent employee who fails the drug screening, or who comes forward admitting a dependency problem, will be placed on sick leave or a "light duty" assignment, depending on his/her medical condition, until rehabilitation is completed. The Department will make reasonable efforts to accommodate the employee who is in a rehabilitation program.

5) The department and LACOLA will establish a Drug-Free Workplace Committee to monitor the program.

- A) The initial meeting of the committee will be within two months after the first examination covered by this agreement has been promulgated and appointments made.
- B) The Committee will meet at least annually after the initial meeting to review the progress of the program and make necessary revisions of this agreement.
- C) There may be ad hoc meetings called by either LACOLA or the Department to review policies and their implementation as they relate to a drug free work place program. These meetings will occur no more than quarterly or if there is a need to clarify the meanings of the agreement if a grievance or suit is filed against either party.

6) In return for LACOLA's agreement with the Drug Free Workplace Promotional Testing Program, the Department of Beaches and Harbors will provide the uniform items identified below:

- A) Permanent Lifeguards--one pair of uniform shoes every two years and one lifeguard golf shirt every year.
- B) Recurrent Lifeguards who work 180 days (1440 hours) during the preceding rating period--One pair of uniform shoes every two years and one lifeguard golf shirt every year.
- C) All Other Recurrent Lifeguards--One lifeguard golf shirt at the start of the program and a replacement shirt after 60 days (480 hours) of cumulative service, not to exceed one per year.

7) The term of this agreement between LACOLA and the Department is six years from the date that the Coalition of County unions and the County agreement on drug-testing is approved by the Board of Supervisors. That agreement will establish the protocols for drug testing and any "hold harmless and indemnification clause."

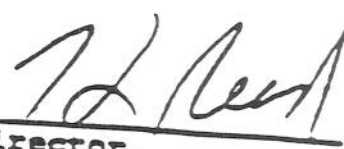
This agreement is between the Department of Beaches and Harbors and the Los Angeles County Lifeguard Association.

IN WITNESS WHEREOF, the parties hereto have caused their duly authorized representatives to execute this agreement the day, month and year first above written.

LOS ANGELES COUNTY LIFEGUARD  
ASSOCIATION

BY   
President, LACOLA

COUNTY OF LOS ANGELES  
AUTHORIZED MANAGEMENT  
REPRESENTATIVE

BY   
Director,  
Department of  
Beaches and Harbors

TO BE JOINTLY SUBMITTED TO COUNTY'S BOARD OF SUPERVISORS

AMENDMENT NO. 4  
MEMORANDUM OF UNDERSTANDING  
FOR JOINT SUBMISSION  
TO THE BOARD OF SUPERVISORS  
REGARDING  
FRINGE BENEFITS

THIS AMENDMENT NO. 4 TO MEMORANDUM OF UNDERSTANDING, made and entered into this 28th day of January, 1992.

BY AND BETWEEN

Authorized Management  
Representatives (hereinafter  
referred to as "Management")  
of the County of Los Angeles  
(hereinafter referred to as  
"County")

AND

THE COALITION OF COUNTY  
UNIONS, AFL-CIO (hereinafter  
referred to as the "Coalition")

WHEREAS, on the 8th day of November, 1989, the parties entered into a Memorandum of Understanding regarding Fringe Benefits, which Memorandum of Understanding was subsequently approved and ordered implemented by the County's Board of Supervisors; and

WHEREAS, as a result of mutual agreement, the parties desire to amend said Memorandum of Understanding as set forth hereafter:

NOW, THEREFORE, the parties agree as follows:

1. Article 28, subsection 1) of said Memorandum of Understanding is hereby amended by inserting 1990 and/or 1991 in lieu of 1989 and/or 1990.
2. Said Memorandum of Understanding is hereby amended by adding Attachment C - Reasonable Suspicion Drug/Alcohol Testing and Attachment D - Preplacement Drug Testing For Employee/Applicants appended hereto.
3. This Amendment No. 4 to said Memorandum of Understanding constitutes a mutual recommendation to be jointly submitted to the County's Board of Supervisors, and this Amendment No. 4 will become effective when and if approved and implemented by

said Board of Supervisors, in the same manner as provided in Article 2, which was applicable to the implementation of the original Memorandum of Understanding.

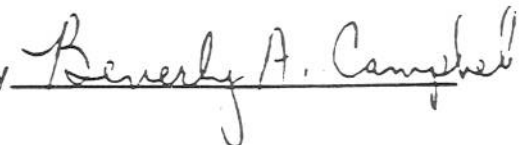
3. Except as herein specifically amended, each and every other provision of said Memorandum of Understanding shall continue to remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused their duly authorized representatives to execute this fourth amendment to the Memorandum of Understanding the day, month and year first above written.

COALITION OF COUNTY UNIONS,  
AFL-CIO

COUNTY OF LOS ANGELES  
AUTHORIZED MANAGEMENT  
REPRESENTATIVE

By 

By 

**URINE TESTING-REASONABLE SUSPICION ONLY**

**SECTION 1.        SCOPE**

- A. This agreement shall not supersede any departmental drug/alcohol testing program which was in effect prior to this agreement or comes into effect after this agreement as a result of additional negotiations as appropriate.

**SECTION 2.        AUTHORITY**

- A. The County may require an employee to provide a urine specimen for analysis to detect the presence of drugs or alcohol only if there is reasonable suspicion to believe that the employee is impaired from performing his/her job as a result of drugs or alcohol.
- B. The authority to require a drug/alcohol test does not eliminate nor replace the normal supervisory responsibilities for evaluating performance and initiating corrective or disciplinary action when necessary.

**SECTION 3.        REASONABLE AND SUSPICION DEFINED**

- A. Reasonable suspicion must be based on both objective evidence and reasonable inference from such evidence that an employee's impaired performance is the result of use of drugs or alcohol. Such evidence must include observations by a trained supervisor or manager of typical indicators of intoxication or impairment caused by drugs or alcohol which are not reasonably explained as resulting from causes other than the use of drugs or alcohol.
- B. Observation of the use of drugs or alcohol in conjunction with observation of typical indicators of intoxication or impairment may be considered reasonable suspicion.
- C. Reasonable suspicion must be confirmed by a second supervisor, manager, or other reliable witness unless it is not possible to do so. If it is impossible to have such witness, the reason for no witness will be documented in the observation statement described in Section 3D below.
- D. The supervisor or manager shall document in writing all observations which provide the basis for reasonable suspicion and this documentation shall be signed by the confirming observer, unless impossible pursuant to 3C above.
- E. A copy of the signed documentation shall be provided to the employee prior to the requirement of testing. The employee shall be given an opportunity to provide a reasonable explanation other than the use of drugs or alcohol for any alleged intoxication or impairment.



- F. The employee shall be informed of his/her right to representation prior to the request for an explanation or the requirement of testing. Exercising this right, however, shall not cause an unreasonable delay (usually not more than four (4) hours) in obtaining a specimen.

#### **SECTION 4. SPECIMEN COLLECTION AND ANALYSIS**

A. Program Roles Defined

1. Chief Administrative Officer

The Chief Administrative Officer, or his/her delegate authorized to act in his behalf, is designated as the County's Drug Abuse Program Director. The Drug Abuse Program Director shall have overall responsibility for Countywide coordination of this program.

2. Medical Review Officer

The Medical Review Officer (MRO) shall be a licensed physician who has a knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's positive test result together with his or her medical history and any other relevant biomedical information. The responsibility for the assignment of the appropriately qualified physician and for ensuring his availability is that of the Drug Abuse Program Director.

B. Confidentiality of Testing

Employees subjected to urine testing under this agreement shall be assigned a confidential test identification number. The actual collection process shall be as discreet as possible and shall respect the dignity of the employee.

C. Notification of Selection

Urine specimen collection will be done at an employee's work location or, if not appropriate, a contract medical facility, only.

The employee's immediate supervisor shall assist by arranging for employee(s) to present himself/herself for testing. The employee's immediate supervisor shall also assist by locating and securing restroom facilities that best meet the requirements of the collection procedure.

Every effort shall be made by the employee's supervisors to ensure that said testing is handled on an absolutely confidential basis, both before and after the test is administered.

D. Collection Site Privacy and Security

The actual collection process takes only a few minutes. However, because there must be rigorous controls for privacy, security and chain-of-evidence purposes, choosing the most appropriate restroom is crucial.

The restroom selected as a collection site shall be equipped with a sink to allow employees to wash their hands, a toilet, and be equipped with a stall for privacy.

During the specimen collection process, no unauthorized personnel shall be permitted in the restroom. The only authorized personnel are the employee and the Collection Team Member of the same sex. Another Collection Team Member shall remain outside the restroom and shall bar entry for the time it takes to collect and package a specimen.

E. Employee Identification, Advisory Statement and Pre-Test Declaration Form

When the Collection Site Team contacts an employee, the employee shall be asked to present his/her County issued photo identification card or California Driver's License or California Identification Card as issued by the State Department of Motor Vehicles. If the employee is unable to present proper identification, he/she must be identified by his/her immediate supervisor.

The employee will also be asked to complete a Pre-test Declaration form (Exhibit "A"). The form elicits information about recent use of prescription and non-prescription medications, and accidental exposure to controlled substances. The form shall contain the employee's confidential test number. It is to be placed in a sealed envelope by the employee and given to the Collection Team. The form will be destroyed without being reviewed if the results are negative.

F. Collection, Integrity and Identification of Specimen

1. Worksite Collection

After an employee has been properly identified, briefed about the reason for the test and has completed the Pre-test Declaration form, the mechanics of the collection process shall be explained. The Collection Team shall require the employee to remove any unnecessary outer garment (e.g., coats, jackets, etc.) and shall visually check for signs of concealed items that might be used to adulterate or substitute a sample. Personal belongings such as briefcases, purses, etc., must remain with the employee's outer garments. The employee shall retain control of his/her wallet.

The employee shall wash and dry his/her hands prior to providing a urine specimen. There shall be no further access to water, soap, any chemical agent, or other materials which could be used to adulterate the specimen until after it has been provided.

The Collection Team shall place a toilet bluing agent in the toilet bowl and, if the toilet is so equipped, in the reservoir tank. The purpose of this procedure is to deter the dilution of the specimen.

The employee shall be required to provide a specimen in a large, wide mouthed, easily carried, plastic non-reusable cup, unobserved and in the privacy of a stall or otherwise partitioned area. Unusual behavior shall be noted by the Collection Team on the Collection Log Sheet (Exhibit "B").

The employee will select two approved specimen bottles (samples A and B). The containers will have affixed to them specially prepared labels showing the employee's confidential identification number. The employee shall then provide a urine specimen and divide it equally between the two bottles in the presence of the Collection Team.

A minimum of 50 milliliters (1.7 fluid ounces) must be provided or the specimen will be considered incomplete. If the Collection Team determines that there is an insufficient amount of urine (less than 50 milliliters total) in the specimen bottles, additional urine shall be collected and the insufficient sample(s) shall be discarded. In this instance, the employee shall remain under the supervision of the Collection Team. The employee shall be asked to drink fluids to aid in urination and shall be allowed a reasonable amount of time to furnish additional urine.

Immediately after a specimen collection, the Collection Team shall ensure the temperature is between 90 and 100 degrees Fahrenheit. The Collection Team shall also inspect the specimen for signs of adulteration (e.g., contaminants, color, etc.). Unusual findings should be noted in the remarks section of the Collection Log Sheet.

In the presence of the Collection Team the employee shall secure lids on the specimen bottles. The Collection Team shall then seal the lids with evidence tape. If at the time of collection, there is reason to believe that the specimens have been diluted, adulterated, substituted, or in any way tampered with, the Collection Team shall report the matter on the Collection Log Sheet. The Collection Team may report those observations on the Collection Log Sheet, in writing to the laboratory, which may analyze the suspect specimens. The results of those analyses shall be reported in the written laboratory report to the MRO for further action, if any is needed.

## 2. Alternate Collection Procedure

As an alternative to collection of the urine specimen at the worksite the employee may request, or management may require employee to be transported to a contract medical facility listed in Exhibit C. Management may only require an employee to be transported if the collection can not appropriately take place at the work site. Such transportation shall meet the following guidelines:

- a. The employee will be driven by someone other than his/her immediate supervisor, unless the supervisor and the employee agree that the supervisor is the most suitable person.
- b. Public transportation such as a taxicab may be utilized. In such case the department will provide a suitable person from the department to accompany the individual. Again, the supervisor should not be utilized unless there is agreement with the employee that the supervisor is the most suitable person.
- c. Security personnel from the department or from Internal Services may also be utilized for transporting the employee to the medical facility.
- d. Specimen collection at the medical facility shall conform to the guideline procedure as described in 4.F., Collection, Integrity and Identification of Specimen, herein above.

## G. Refusal to Provide Urine Specimen

An employee who refuses to consent to a drug or alcohol test shall not be subject to disciplinary action for that refusal. However, the fact of the refusal shall constitute a rebuttable presumption that the employee was under the influence of drugs and/or alcohol at the time of the order to submit to the urine test.

Note: Failure to provide a specimen within a reasonable period of time (usually not more than four (4) hours) may constitute a refusal to take a urine test.

## H. Chain of Custody

Test specimens shall be transported to one of the laboratories listed in Section 5.B. herein using the same documented chain of custody and standard of care and safety applied to other evidence transported to that laboratory. Sealed specimen bottles shall be placed in a locked portable container and kept under the direct control of the Collection Team until it leaves custody at the laboratory. Only the Collection Team and laboratory personnel shall possess keys to the portable specimen container.

No written remarks about container contents or test employee identities shall be made on the container except as required by the laboratory. The Collection Log Sheet and Pre-test Declaration forms shall be locked inside the specimen container and, upon delivery to the laboratory, both the transporting employee and the laboratory employee authorized to receive the specimens shall open the container. They shall obtain the Collection Log Sheet and note their identities in the appropriate place on the form. At this point, the laboratory assumes custody of the specimens, Collection Log Sheets and sealed envelope containing the Pre-test Declaration form.

A copy of the Collection Log Sheet shall be retained by the Collection Team.

## **SECTION 5.      LABORATORY TESTING**

### **A.      Test Methodology**

The testing methodology will be based on a laboratory examination of a urine specimen and shall meet all analytical, quality assurance and quality control standards as set by NIDA.

Laboratory analyses of urine specimens shall be restricted to those tests authorized by this agreement to detect drug abuse. They shall not be used for other purposes, such as the analyses of physiological states or diseases (e.g., pregnancy, AIDS).

### **B.      Authorized Laboratories**

Only the following toxicology laboratories may be used for testing conducted under this agreement for employees represented by the Coalition:

1.      Smith Kline Beacham Clinical Laboratory (SBCL)  
         Van Nuys, California  
         (818) 989-2520
2.      Laboratory Specialist, Inc. (LSI)  
         Chatsworth, California  
         (818) 718-0115
3.      Damon Clinical Laboratory  
         Newberry Park, California  
         (805) 498-3181
4.      Healthtech  
         Long Beach, California  
         (800) 654-1172

5. B.P.L. Metwest Laboratory  
Tarzana
6. Nichols Institute  
San Diego
7. Pharchem Laboratory  
Menlo Park
8. Poisonlab  
San Diego

C. Laboratory Receipt of Specimens, Chain of Evidence and Rejection Criteria

Samples received by the laboratory shall be signed in on the Collection Log Sheet. Each sample shall be inspected for evidence of possible tampering. The employee confidential identification numbers will be compared with the numbers on the Collection Log Sheet serving as the chain of custody document. Any evidence of any tampering, or discrepancies in the identification numbers on the samples and Collection Log Sheet, or in the event that the seal is broken on either sample, that there is no identification number, or the identification number is illegible, such shall be reported to the Drug Abuse Program Director and shall be noted on the Collection Log Sheet. Such specimens shall not be tested.

D. Substances To Be Tested

Urine specimens may only be tested for any or all of the following:

1. Amphetamines/Methaphetamines
2. Benzodiazepines (e.g. Valium, Librium)
3. Barbiturates
4. Cocaine
5. Methadone
6. Methaqualone (e.g. Quaalude)
7. Opiates
8. Phencyclidine (PCP)
9. T.H.C. - Tetrahydrocannabinol (Marijuana)
10. Alcohol



## E. Test Steps

### 1. Initial Screening

All specimens tested shall first go through an immunoassay screening test (EMIT) which will be used to eliminate "negative" urine samples from further testing.

Written documentation shall be maintained by the laboratory showing details of all the EMIT screening tests done under this program. These data may be reviewed by consultants to the Union. All samples that initially screen positive shall be stored in a locked freezer until confirmation studies by GC/MS are complete.

### 2. Confirmatory Test

Specimens which were initially screened and found to be positive shall be confirmed using Gas Chromatography/Mass Spectrometry (GC/MS) quantitative techniques.

### 3. Cut-off Levels

Cut-off levels for a positive test are either those established by NIDA for the drugs for which NIDA has made such recommendations, or as established through negotiations with the Coalition for those drugs on the list for which NIDA has not established cut-off level(s). For purposes of this agreement, the cut-off levels are as follows:

<u>Drug</u>	<u>Initial Screen</u>  (EMIT)	<u>Confirming Test</u>  (GC/MS)
Amphetamines (NIDA)	1000 ng/ml	500 ng/ml
Benzodiazapines	300 ng/ml	300 ng/ml
Barbiturates	300 ng/ml	300 ng/ml
Cocaine (NIDA)	300 ng/ml	150 ng/ml
Methadone	300 ng/ml	300 ng/ml
Methaqualone	300 ng/ml	300 ng/ml
Opiates (NIDA)	300 ng/ml	300 ng/ml
P.C.P. (NIDA)	25 ng/ml	25 ng/ml
T.H.C. (NIDA)	100 ng/ml	15 ng/ml
Alcohol	.05g %	.05g %

## **SECTION 6.        LABORATORY REPORTING**

### **A.     Preparation of Laboratory Report - Negative Test Specimens**

The laboratory shall prepare a report, by confidential test identification number, of any specimen screened as negative and shall forward such report to the Medical Review Officer. The Medical Review Officer will notify the employee and the department of the negative test. The employee shall be given the choice of having the test results made part of his/her record or having the Medical Review Officer destroy the report and pre-test declaration and all references to a test being conducted.

### **B.     Preparation of Laboratory Reports - Positive Test Specimens**

In the event that a specimen is found to be positive by the GC/MS process, the laboratory shall prepare a written report. The original report shall be retained by the laboratory. One copy, along with the sealed pre-test declaration form, shall be sent to the Medical Review Officer.

The laboratory report shall contain the following information:

1.     Employee confidential test identification number.
2.     The drug identified.
3.     The initial screening method.
4.     The date screened.
5.     The screening analyst's name.
6.     The printed output from the immunoassay screening instrument pertaining to the batch of samples which includes the positive sample. That output will include the data from the relevant standards, blanks, quality control samples, and positive sample.
7.     The confirmation method.
8.     The date confirmed.
9.     The confirming analyst's name and signature.
10.    The graphs and reports pertaining to the gas chromatographmass spectrometer analysis of the relevant batch of samples and associated controls and quantitative standards.





# COUNTY OF LOS ANGELES CHIEF ADMINISTRATIVE OFFICE

713 HALL OF ADMINISTRATION LOS ANGELES, CALIFORNIA 90012  
974-1101

RICHARD B. DIXON  
CHIEF ADMINISTRATIVE OFFICER

April 16, 1992

The Honorable Board of Supervisors  
County of Los Angeles  
383 Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

**COUNTY DRUG FREE WORKPLACE PROGRAM  
AMENDMENT OF FRINGE BENEFIT AGREEMENT WITH THE COALITION OF  
COUNTY UNIONS  
DRUG TESTING AGREEMENT WITH BEACH LIFEGUARDS (UNIT 641)  
AND SUPERVISORY BEACH LIFEGUARDS (UNIT 642)  
(3-VOTES)**

**BACKGROUND**

On July 29, 1986, the Board requested that the Chief Administrative Officer study the City of Glendale drug testing program and determine the feasibility of adopting a similar program for the County. The program was embroiled in legal disputes for several years, so a full report and recommendations were delayed until the various legal issues and court cases were decided.

In February, 1990, I provided your Board with a report that recommended a model Countywide drug free workplace policy and a model drug free workplace program and indicated the actions necessary to implement such a policy and program.

The Honorable Board of Supervisors  
April 16, 1992  
Page 2

As a follow up to the February, 1990 report, in June, 1990, I advised your Board that my office had reviewed the proposed program with departments and had begun negotiations with all employee organizations. I also indicated that I was prepared to administratively implement several elements of the recommended drug free workplace program. These elements included provision of supervisory training on the identification of substance abuse, pre-employment testing of applicants for sensitive positions and counselling of drug using employees by the County's Employee Assistance Program.

**COMPLETING THE IMPLEMENTATION OF A DRUG FREE WORKPLACE PROGRAM:**

All meet and confer obligations have been met with employee union organizations including Local 660. Agreement has been reached with the Coalition of County Unions and Beach Lifeguard Units 641 and 642.

I now recommend that your Board take the following actions to finalize implementation of the Countywide Drug Free Workplace Program:

- Adopt the County of Los Angeles Drug Free Workplace Policy in Attachment I
- Adopt the Coalition of County Unions and Lifeguard agreements.
- Extend to other County employees a Drug Free Workplace Program (Attachment II and Attachment III) which is identical to that included in the Coalition of County Unions' agreement. Only those employees covered by pre-existing drug abuse prevention agreements should be exempted.

Amendment number 4 to the Fringe Benefit Agreement with the Coalition of County Unions and the agreements with Unit 641 and 642 have been approved as to form by the County Counsel.

The Honorable Board of Supervisors  
April 16, 1992  
Page 3

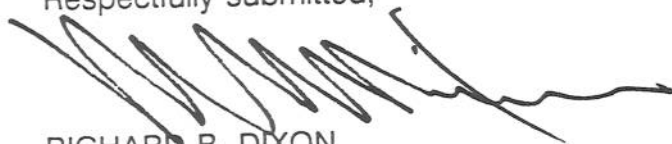
**THEREFORE, IT IS RECOMMENDED THAT YOUR BOARD:**

1. Adopt the County of Los Angeles Drug Free Workplace Policy as shown in Attachment I and instruct Department Heads to implement it in their departments.
2. Approve the accompanying amendment number 4 to the Fringe Benefit Agreement with the Coalition of County Unions.
3. Approve the accompanying drug testing agreements with Beach Lifeguards (Unit 641) and Supervisory Beach Lifeguards (Unit 642).

The Honorable Board of Supervisors  
April 16, 1992  
Page 4

4. Approve the Drug Free Workplace Programs as shown in Attachment II and Attachment III for all other County employees not already covered by an existing drug testing agreement or program.

Respectfully submitted,



RICHARD B. DIXON  
Chief Administrative Officer

RBD:BAC  
OS:GL:rs6

Attachments

c: Executive Officer, Board of Supervisors  
County Counsel  
Auditor-Controller

## **ATTACHMENT I**

### **COUNTY OF LOS ANGELES**

#### **DRUG FREE WORKPLACE POLICY**

It is the policy of the County of Los Angeles that the abuse of drugs, including alcohol, by employees or contract personnel is unacceptable because it adversely affects health, safety, security and productivity as well as public confidence and trust.

Using, possessing, selling or being under the influence of illegal drugs is unlawful, dangerous and is absolutely prohibited at the workplace.

Further, the use of alcohol at the workplace or the misuse of alcohol or prescribed drugs to any extent that impairs safe and effective job performance is also prohibited.

Violation of any element of this policy shall result in disciplinary action up to and including termination.

2/27/92

rs6:drugst2.lib

**ATTACHMENT II**

**COUNTY OF LOS ANGELES**

**DRUG TESTING PROGRAM**

**(For Employees Not Covered By A  
Drug Testing Memorandum Of Understanding)**

**URINE TESTING-REASONABLE SUSPICION ONLY**

**SECTION 1.       SCOPE**

- A. This program shall not supersede any departmental drug/alcohol testing program which was in effect prior to the date of approval of this program by the Board of Supervisors or which comes into effect after approval of this program as a result of an agreement with a certified employee organization.

**SECTION 2.       AUTHORITY**

- A. The County may require an employee to provide a urine specimen for analysis to detect the presence of drugs or alcohol only if there is reasonable suspicion to believe that the employee is impaired from performing his/her job as a result of drugs or alcohol.
- B. The authority to require a drug/alcohol test does not eliminate or replace the normal supervisory responsibilities for evaluating performance and initiating corrective or disciplinary action when necessary.

**SECTION 3.       REASONABLE SUSPICION DEFINED**

- A. Reasonable suspicion must be based on both objective evidence and reasonable inference from such evidence that an employee's impaired performance is the result of use of drugs or alcohol. Such evidence must include observations by a trained supervisor or manager of typical indicators of intoxication or impairment caused by drugs or alcohol which are not reasonably explained as resulting from causes other than the use of drugs or alcohol.

- B. Observation of the use of drugs or alcohol in conjunction with observation of typical indicators of intoxication or impairment may be considered reasonable suspicion.
- C. Reasonable suspicion must be confirmed by a second supervisor, manager, or other reliable witness unless it is not possible to do so. If it is impossible to have such witness, the reason for no witness will be documented in the observation statement described in Section 3D below.
- D. The supervisor or manager shall document in writing all observations which provide the basis for reasonable suspicion and this documentation shall be signed by the confirming observer, unless impossible pursuant to 3C above.
- E. A copy of the signed documentation shall be provided to the employee prior to the requirement of testing. The employee shall be given an opportunity to provide a reasonable explanation other than the use of drugs or alcohol for any alleged intoxication or impairment.
- F. The employee shall be informed of his/her right to representation prior to the request for an explanation or the requirement of testing. Exercising this right, however, shall not cause an unreasonable delay (usually not more than four (4) hours) in obtaining a specimen.

#### **SECTION 4. SPECIMEN COLLECTION AND ANALYSIS**

##### **A. Program Roles Defined**

###### **1. Chief Administrative Officer**

The Chief Administrative Officer, or his/her delegate authorized to act in his behalf, is designated as the County's Drug Abuse Program Director. The Drug Abuse Program Director shall have overall responsibility for Countywide coordination of this program.

2. Medical Review Officer

The Medical Review Officer (MRO) shall be a licensed physician who has a knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's positive test result together with his or her medical history and any other relevant biomedical information. The responsibility for the assignment of the appropriately qualified physician and for ensuring his availability is that of the Drug Abuse Program Director.

B. Confidentiality of Testing

Employees subjected to urine testing under this agreement shall be assigned a confidential test identification number. The actual collection process shall be as discreet as possible and shall respect the dignity of the employee.

C. Notification of Selection

Urine specimen collection will be done at an employee's work location or, if not appropriate, a contract medical facility, only.

The employee's immediate supervisor shall assist by arranging for employee(s) to present himself/herself for testing. The employee's immediate supervisor shall also assist by locating and securing restroom facilities that best meet the requirements of the collection procedure.

Every effort shall be made by the employee's supervisors to ensure that said testing is handled on an absolutely confidential basis, both before and after the test is administered.

D. Collection Site Privacy and Security

The actual collection process takes only a few minutes. However, because there must be rigorous controls for privacy, security and chain-of-evidence purposes, choosing the most appropriate restroom is crucial.



The restroom selected as a collection site shall be equipped with a sink to allow employees to wash their hands, a toilet, and be equipped with a stall for privacy.

During the specimen collection process, no unauthorized personnel shall be permitted in the restroom. The only authorized personnel are the employee and the Collection Team Member of the same sex. Another Collection Team Member shall remain outside the restroom and shall bar entry for the time it takes to collect and package a specimen.

E. Employee Identification, Advisory Statement and Pre-Test Declaration Form

When the Collection Site Team contacts an employee, the employee shall be asked to present his/her County issued photo identification card or California Driver's License or California Identification Card as issued by the State Department of Motor Vehicles. If the employee is unable to present proper identification, he/she must be identified by his/her immediate supervisor.

The employee will also be asked to complete a Pre-test Declaration form (Exhibit "A"). The form elicits information about recent use of prescription and non-prescription medications, and accidental exposure to controlled substances. The form shall contain the employee's confidential test number. It is to be placed in a sealed envelope by the employee and given to the Collection Team. The form will be destroyed without being reviewed if the results are negative.

F. Collection, Integrity and Identification of Specimen

1. Worksite Collection

After an employee has been properly identified, briefed about the reason for the test and has completed the Pre-test Declaration form, the mechanics of the collection process shall be explained. The Collection Team shall require the employee to remove any unnecessary outer garment (e.g., coats, jackets, etc.) and shall visually check for signs of concealed items that might be used to adulterate or substitute a sample. Personal belongings such as briefcases, purses, etc., must remain with the employee's outer garments. The employee shall retain control of his/her wallet.

The employee shall wash and dry his/her hands prior to providing a urine specimen. There shall be no further access to water, soap, any chemical agent, or other materials which could be used to adulterate the specimen until after it has been provided.

The Collection Team shall place a toilet bluing agent in the toilet bowl and, if the toilet is so equipped, in the reservoir tank. The purpose of this procedure is to deter the dilution of the specimen.

The employee shall be required to provide a specimen in a large, wide mouthed, easily carried, plastic non-reusable cup, unobserved and in the privacy of a stall or otherwise partitioned area. Unusual behavior shall be noted by the Collection Team on the Collection Log Sheet (Exhibit "B").

The employee will select two approved specimen bottles (samples A and B). The containers will have affixed to them specially prepared labels showing the employee's confidential identification number. The employee shall then provide a urine specimen and divide it equally between the two bottles in the presence of the Collection Team.

A minimum of 50 milliliters (1.7 fluid ounces) must be provided or the specimen will be considered incomplete. If the Collection Team determines that there is an insufficient amount of urine (less than 50 milliliters total) in the specimen bottles, additional urine shall be collected and the insufficient sample(s) shall be discarded. In this instance, the employee shall remain under the supervision of the Collection Team. The employee shall be asked to drink fluids to aid in urination and shall be allowed a reasonable amount of time to furnish additional urine.

Immediately after a specimen collection, the Collection Team shall ensure the temperature is between 90 and 100 degrees Fahrenheit. The Collection Team shall also inspect the specimen for signs of adulteration (e.g., contaminants, color, etc.). Unusual findings should be noted in the remarks section of the Collection Log Sheet.

In the presence of the Collection Team the employee shall secure lids on the specimen bottles. The Collection Team shall then seal the lids with evidence tape. If at the time of collection, there is reason to believe that the specimens have been diluted, adulterated, substituted, or in any way tampered with, the Collection Team shall report the matter on the Collection Log Sheet. The Collection Team may report those observations on the Collection Log Sheet, in writing to the laboratory, which may analyze the suspect specimens. The results of those analyses shall be reported in the written laboratory report to the MRO for further action, if any is needed.

## 2. Alternate Collection Procedure

As an alternative to collection of the urine specimen at the worksite the employee may request, or management may require employee to be transported to a contract medical facility listed in Exhibit C. Management may only require an employee to be transported if the collection can not appropriately take place at the work site. Such transportation shall meet the following guidelines:

- a. The employee will be driven by someone other than his/her immediate supervisor, unless the supervisor and the employee agree that the supervisor is the most suitable person.
- b. Public transportation such as a taxicab may be utilized. In such case the department will provide a suitable person from the department to accompany the individual. Again, the supervisor should not be utilized unless there is agreement with the employee that the supervisor is the most suitable person.
- c. Security personnel from the department or from Internal Services may also be utilized for transporting the employee to the medical facility.
- d. Specimen collection at the medical facility shall conform to the guideline procedure as described in 4.F., Collection, Integrity and Identification of Specimen, herein above.

G. Refusal to Provide Urine Specimen

An employee who refuses to consent to a drug or alcohol test shall not be subject to disciplinary action for that refusal. However, the fact of the refusal shall constitute a rebuttable presumption that the employee was under the influence of drugs and/or alcohol at the time of the order to submit to the urine test.

Note: Failure to provide a specimen within a reasonable period of time (usually not more than four (4) hours) may constitute a refusal to take a urine test.

H. Chain of Custody

Test specimens shall be transported to one of the laboratories listed in Section 5.B. herein using the same documented chain of custody and standard of care and safety applied to other evidence transported to that laboratory. Sealed specimen bottles shall be placed in a locked portable container and kept under the direct control of the Collection Team until it leaves custody at the laboratory. Only the Collection Team and laboratory personnel shall possess keys to the portable specimen container.

No written remarks about container contents or test employee identities shall be made on the container except as required by the laboratory. The Collection Log Sheet and Pre-test Declaration forms shall be locked inside the specimen container and, upon delivery to the laboratory, both the transporting employee and the laboratory employee authorized to receive the specimens shall open the container.

They shall obtain the Collection Log Sheet and note their identities in the appropriate place on the form. At this point, the laboratory assumes custody of the specimens, Collection Log Sheets and sealed envelope containing the Pre-test Declaration form.

A copy of the Collection Log Sheet shall be retained by the Collection Team.

## **SECTION 5.      LABORATORY TESTING**

### **A.      Test Methodology**

The testing methodology will be based on a laboratory examination of a urine specimen and shall meet all analytical, quality assurance and quality control standards as set by NIDA.

Laboratory analyses of urine specimens shall be restricted to those tests authorized by this agreement to detect drug abuse. They shall not be used for other purposes, such as the analyses of physiological states or diseases (e.g., pregnancy, AIDS).

### **B.      Authorized Laboratories**

Only the following toxicology laboratories may be used for testing conducted under this agreement for employees represented by the Coalition:

1.      Smith Kline Beacham Clinical Laboratory (SBCL)  
         Van Nuys, California  
         (818) 989-2520
2.      Laboratory Specialist, Inc. (LSI)  
         Chatsworth, California  
         (818) 718-0115
3.      Damon Clinical Laboratory  
         Newberry Park, California  
         (805) 498-3181
4.      Healthtech  
         Long Beach, California  
         (800) 654-1172
5.      B.P.L. Metwest Laboratory  
         Tarzana

6. Nichols Institute  
San Diego
7. Pharchem Laboratory  
Menlo Park
8. Poisonlab  
San Diego

C. Laboratory Receipt of Specimens, Chain of Evidence and Rejection Criteria

Samples received by the laboratory shall be signed in on the Collection Log Sheet. Each sample shall be inspected for evidence of possible tampering. The employee confidential identification numbers will be compared with the numbers on the Collection Log Sheet serving as the chain of custody document. Any evidence of any tampering, or discrepancies in the identification numbers on the samples and Collection Log Sheet, or in the event that the seal is broken on either sample, that there is no identification number, or the identification number is illegible, such shall be reported to the Drug Abuse Program Director and shall be noted on the Collection Log Sheet. Such specimens shall not be tested.

D. Substances To Be Tested

Urine specimens may only be tested for any or all of the following:

1. Amphetamines/Methaphetamines
2. Benzodiazepines (e.g. Valium, Librium)
3. Barbiturates
4. Cocaine
5. Methadone
6. Methaqualone (e.g. Quaalude)
7. Opiates

8. Phencyclidine (PCP)
9. T.H.C. - Tetrahydrocannabinol (Marijuana)
10. Alcohol

E. Test Steps

1. Initial Screening

All specimens tested shall first go through an immunoassay screening test (EMIT) which will be used to eliminate "negative" urine samples from further testing.

Written documentation shall be maintained by the laboratory showing details of all the EMIT screening tests done under this program. These data may be reviewed by consultants to the employee. All samples that initially screen positive shall be stored in a locked freezer until confirmation studies by GC/MS are complete.

2. Confirmatory Test

Specimens which were initially screened and found to be positive shall be confirmed using Gas Chromatography/Mass Spectrometry (GC/MS) quantitative techniques.

3. Cut-off Levels

Cut-off levels for a positive test are either those established by NIDA for the drugs for which NIDA has made such recommendations, or as established through consultation with County Unions for those drugs on the list for which NIDA has not established cut-off level(s). The cut-off levels are as follows:

<u>Drug</u>	<u>Initial Screen</u>	<u>Confirming Test</u>
	(EMIT)	(GC/MS)

Amphetamines (NIDA)	1000 ng/ml	500 ng/ml
Benzodiazapines	300 ng/ml	300 ng/ml
Barbiturates	300 ng/ml	300 ng/ml
Cocaine (NIDA)	300 ng/ml	150 ng/ml
Methadone	300 ng/ml	300 ng/ml
Methaqualone	300 ng/ml	300 ng/ml
Opiates (NIDA)	300 ng/ml	300 ng/ml
P.C.P. (NIDA)	25 ng/ml	25 ng/ml
T.H.C. (NIDA)	100 ng/ml	15 ng/ml
Alcohol	.05g %	.05g %

## **SECTION 6.      LABORATORY REPORTING**

### **A.      Preparation of Laboratory Report - Negative Test Specimens**

The laboratory shall prepare a report, by confidential test identification number, of any specimen screened as negative and shall forward such report to the Medical Review Officer. The Medical Review Officer will notify the employee and the department of the negative test. The employee shall be given the choice of having the test results made part of his/her record or having the Medical Review Officer destroy the report and pre-test declaration and all references to a test being conducted.

### **B.      Preparation of Laboratory Reports - Positive Test Specimens**

In the event that a specimen is found to be positive by the GC/MS process, the laboratory shall prepare a written report. The original report shall be retained by the laboratory. One copy, along with the sealed pre-test declaration form, shall be sent to the Medical Review Officer.

The laboratory report shall contain the following information:

1.      Employee confidential test identification number.
2.      The drug identified.



3. The initial screening method.
4. The date screened.
5. The screening analyst's name.
6. The printed output from the immunoassay screening instrument pertaining to the batch of samples which includes the positive sample. That output will include the data from the relevant standards, blanks, quality control samples, and positive sample.
7. The confirmation method.
8. The date confirmed.
9. The confirming analyst's name and signature.
10. The graphs and reports pertaining to the gas chromatographmass spectrometer analysis of the relevant batch of samples and associated controls and quantitative standards.
11. The name and signature of the reviewing laboratory supervisor.
12. Collection Log Sheet.

Following confirmation, all positive urine samples are to be frozen and retained for a minimum of one (1) year by the laboratory, except when an employee appeals any negative action taken by the County, then the sample shall be maintained until all appeals are concluded.

## **SECTION 7.      REVIEW OF RESULTS**

### **A.      Report of Laboratory Results**

The Medical Review Officer shall report to the tested employee the results of all urine tests within four business days from collection of sample.

B. Preliminary Determination

The laboratory shall notify the Medical Review Officer whenever it confirms a positive test result.

C. Medical Review

The Medical Review Officer shall conduct an in-depth review of all tests reported as positive by the Laboratory. The laboratory report will include all materials specified in Section 6, B. above. The MRO shall review the test subject's Pre-test Declaration and shall take such action as may be necessary to examine any alternate medical explanation for a positive test result. Such action may include a voluntary medical interview with the employee, at the option of the employee, and a review of all medical records made available by the employee.

The MRO will arrange an interview with the employee (employee's option). The MRO will try to contact the employee utilizing the daytime telephone number designated by the employee on the Pre-test Declaration form.

The MRO is authorized to terminate the process if the MRO determines that the test result was caused by appropriate use of medication. The MRO will then prepare a written report to the Department Head limited to his statement of conclusion. No further action will be taken.

If the MRO cannot close the case, he/she will contact the Program Director regarding the need for additional information in order to verify the employee's statements. The Program Director will immediately verify the facts presented by the employee. The information obtained will be provided to the Medical Review Officer. The Medical Review Officer will prepare a written report to the Department Head limited to a statement of conclusion.

D. Employee Notification

If the MRO does not find appropriate medical justification for the positive laboratory findings, he/she shall notify the employee and prepare a written report to the Department. Upon notification to the employee of a positive finding, the employee

shall be provided with the laboratory report (as described in Section 6,B. above) and the MRO's written report. The employee also shall be provided with a written notice of his/her right to have the second sample (Sample B) independently tested and reviewed by an independent MRO.

E. Retesting

When the laboratory has confirmed a positive test result, the employee or his representative may request that a GC/MS test of Sample B be conducted at another approved laboratory listed in Section 4, B. herein.

If the test results are positive, an independent Medical Review Officer selected by the employee or his/her representative will review the findings and interview the employee (at employee option). The MRO will prepare a report to be given to the Drug Abuse Program Director with a copy to the employee.

If the results of the Sample B tests are negative, the Drug Abuse Program Director may request that GC/MS tests of Samples A and B be performed at a third laboratory listed in Section 5, B. herein.

If the test results from the third laboratory are negative, or if the Program Director elects not to have a third chemical test, no further action will be taken.

If the test results from the third laboratory are positive, an independent Medical Review Officer agreed upon by the employee and the Program Director will review the findings and interview the employee (at employee option). The MRO will prepare a report to be given to the Drug Abuse Program Director with a copy to the employee.

The County shall pay for all such testing. All such testing of an employee covered by this agreement shall be on County time.

F. Audit Trail

Urine Testing results are inadmissible in any proceeding without an audit trail showing compliance with each aspect of this procedure. Burden of showing compliance is on the County.

**SECTION 8. CONSEQUENCES OF A POSITIVE TEST RESULT**

If an employee tests positive for drugs or alcohol in a urine test conducted pursuant to the procedure set forth herein, the appointing authority may take disciplinary action for proper cause and rely on the positive test result in conjunction with the employee's observed behavior at the time that the test was ordered.

Departments shall consider the appropriateness of the employee voluntarily entering and completing an alcohol/drug abuse treatment program in lieu of or to mitigate the severity of discipline.

Any disciplinary action taken as a result of a positive drug test in conjunction with the employee's observed behavior on the job shall be subject to dispute through the same procedures that would govern any other disciplinary action.

**PRE URINE TEST DECLARATION**

THIS FORM SHALL BE SEALED AND SHALL NOT BE OPENED UNLESS THE RESULTS OF THIS URINE TEST ARE CONFIRMED AS POSITIVE. ALL OTHER SEALED DECLARATIONS SHALL BE DESTROYED WITHOUT BEING OPENED.

EMPLOYEE'S NAME: \_\_\_\_\_ CONFIDENTIAL TEST NO. \_\_\_\_\_

LIST ANY PRESCRIPTION OR OVER-THE-COUNTER NON-PRESCRIPTION MEDICATIONS YOU ARE NOW TAKING OR HAVE TAKEN DURING THE LAST THIRTY (30) DAYS. SPECIFY THE REASON FOR THE MEDICATION(S), THE AMOUNT LAST TAKEN AND THE DATE. ALSO, INDICATE THE NAME OF THE HEALTH CARE PROVIDER PRESCRIBING ANY MEDICATION(S).

SUBSTANCE	REASON FOR TAKING	DATE LAST TAKEN	AMOUNT	PRESCRIBING HEALTH CARE PROVIDER	OFFICE LOCATION

HAVE YOU INGESTED, INHALED OR ABSORBED ANY CONTROLLED SUBSTANCE WITHIN THE LAST TEN (10) DAYS IN CONNECTION WITH YOUR EMPLOYMENT?

( ) NO  
( ) YES      DATE \_\_\_\_\_

I CERTIFY THAT THE ABOVE INFORMATION IS, TO THE BEST OF MY KNOWLEDGE, TRUE AND CORRECT.

SIGNATURE: \_\_\_\_\_

DATE OF COLLECTION: \_\_\_\_\_

IF FOLLOW-UP IS NECESSARY, MY PREFERRED TELEPHONE NUMBER FOR CONTACT OR MESSAGE IS: AREA ( ) NO. \_\_\_\_\_

NOTE:

ONE COPY TO EMPLOYEE AT TIME OF SPECIMEN COLLECTION  
ONE COPY TO BE PLACED IN SEALED ENVELOPE

## EXHIBIT B

[illegible]

REMARKS:

**CONTRACT CLINICS**

Advantage Care - Artesia  
2499 S. Wilmington Avenue  
Compton, CA 90220

Advantage Care - De Soto  
8919 De Soto Avenue  
Canoga Park, CA 91304

Advantage Care - El Segundo  
500 N. Nash Street  
El Segundo, CA 90245

Advantage Care - Commerce  
3430 S. Garfield Avenue  
Commerce, CA 90040

Advantage Care - Leonis  
2770 Leonis Boulevard  
Vernon, CA 90058

Advantage Care - Metropolitan  
437 E. Washington Boulevard  
Los Angeles, CA 90015

Advantage Care - Torrance  
2055 W. Torrance Boulevard  
Torrance, CA 90501

Advantage Care - Van Nuys  
16300 Roscoe Boulevard  
Van Nuys, CA 91406

Barlow Occupational Health Center  
6331 Greenleaf Avenue  
Whittier, CA 90601

Dalton Medical Group  
10414 Vacco St.  
So. El Monte, CA 91733

Daniel Freeman Hospitals, Inc.  
301 N. Prairie #211  
Inglewood, CA 90301

Daniel Freeman Hospitals, Inc.  
815 N. Sepulveda  
El Segundo, CA 90245

Executive Health Group  
515 S. Flower  
Los Angeles, CA 90071

Foothill Industrial Medical Clinics  
6520 N. Irwindale Avenue  
Irwindale, CA 91702

Foothill Industrial Medical Clinics  
55 S. Raymond  
Alhambra, CA 91801

Foothill Industrial Medical Clinics  
4300 Baldwin Avenue  
El Monte, CA 91731

Foothill Industrial Medical Clinics  
445 Fair Oaks  
Pasadena, CA 91105

Gallatin Medical Clinic  
10720 Paramount Blvd.  
Downey, CA 90241

Intercommunity Workcare Services  
12401 Washington Blvd.  
Whittier, CA 90602

Long Beach Medical Clinic  
1250 Pacific Avenue, Suite #101  
Long Beach, CA 90813

Samaritan Health Center at the  
Hospital of the Good Samaritan  
637 S. Lucas Avenue  
Los Angeles, CA 90017

St. Joseph Occupational Health Center  
3413 Pacific Avenue  
Burbank, CA 91505

Venice-Culver Industrial Center  
12095 W. Washington Blvd.  
Los Angeles, CA 90066

### **ATTACHMENT III**

## **COUNTY OF LOS ANGELES**

### **PREPLACEMENT DRUG TESTING FOR EMPLOYEE/APPLICANTS (For Employees Not Covered By A Drug Testing Memorandum Of Understanding)**

#### **SECTION 1. SCOPE**

- A. The provisions of this program shall only apply to an employee who applies for a position which requires a urinalysis to detect the presence of drugs as part of the pre-employment medical examination.
- B. The program shall not supersede any departmental drug/alcohol testing program which was in effect prior to the date of approval of this program by the Board of Supervisors or which comes into effect after approval of this program as a result of an agreement with a certified employee organization.

#### **SECTION 2. NOTICE**

Each applicant who is required to provide a urine specimen for drug testing is required to first read and complete the Consent for Drug Analysis. When the form is presented to the applicant, he/she must show the technician positive identification, such as a driver's license. The applicant's signature on the form is witnessed by the technician. If the applicant refuses to sign the consent form or provide a urine sample, the examination process is terminated.

#### **SECTION 3. COLLECTION**

- A. The nurse/technician provides the applicant with a label upon which he/she prints his/her full name, Social Security #, and date of specimen. The nurse/technician writes the applicant's account number onto the label and the applicant places his/her initials below this number on the label. The label is then placed on the laboratory container and the applicant's name, account number and date of collection are recorded in the Lab Specimen Log. This is done in the presence of the applicant, who initials the Lab Specimen Log.



- B. All applicants who are providing urine specimens for drug testing should be given a gown and asked to disrobe. No personal belongings (except for a wallet) are allowed in the restroom; purses can be left in full view of the door. The nurse/technician provides the applicant with a receptacle, cleansing towel and instructions for collecting a specimen.
- C. Prior to obtaining the specimen, the restroom facility is prepared. The commode water is colored with a bluing agent, the water supply turned off (or evidence tape placed over the faucet), soap removed, and the back of the commode taped shut with evidence tape (if it is of a style that allows access into the tank).
- D. The applicant is instructed to wash his/her hands before entering the restroom. He/she is also instructed to not flush the toilet or attempt to turn on the water in the restroom.
- E. If the applicant states that he/she cannot give a specimen at this time, he/she is provided with something to drink and asked to wait until he/she can give one. He/she is advised that procedure requires the specimen be given at this time. Failure to provide a specimen may be reason to disqualify the applicant. If there is a valid medical reason for not giving a specimen, the appropriate County authority is contacted for instructions on how to proceed.
- F. When the applicant returns with the specimen, the technician immediately checks the temperature. If the temperature of the specimen is below 90.5° or above 99.8°F, there is reason to believe the specimen may not be valid, and the applicant is asked to provide another. If the color indicates that the specimen may have been watered down, a notation to this effect is also made on the chain of custody form.
- G. The specimen must be at least 50 milliliters in quantity. If it is not, the applicant is asked to provide another specimen. After the temperature and color of the second specimen is observed (and is acceptable), the specimens are combined and measured for quantity in the presence of the applicant. The specimens will then be split into equal samples, A & B. The specimen to be sent for drug testing shall not have been used for any other testing, including the so called "dip stick" sugar test.

- H. With the applicant observing, the nurse/technician pours the specimen into a pre-labelled laboratory container. The container is then sealed for shipment. The technician should place evidence tape (provided by the laboratory) on the top of the urine tube, covering the cap and side of the tube. The applicant then initials the evidence tape on the top of the cap.
- I. The nurse/technician completes the shipping envelope provided by the laboratory, giving the following information:
- 1) Doctor in Group or Name of Clinic
  - 2) Patient ID# or Social Security#
  - 3) Date
  - 4) Patient Name
  - 5) Panel #
- J. Chain of Custody form is completed next by providing the following information:
- 1) Applicant's Name (SS or ID#)
  - 2) Date of Collection
  - 3) Site of Collection
  - 4) Test or Panel #
  - 5) Signature of Applicant and Clinic Technician

- K. As a final step, the specimen is placed into a laboratory plastic bag with the original Chain of Custody form and sealed. A copy of the Chain of custody form is also stapled to the bag. The bag is placed into the shipping envelope and sealed with evidence tape. Specimens are refrigerated until picked up by the laboratory courier.

#### **SECTION 4. CONSEQUENCES OF A REFUSAL/FAILURE TO TAKE THE PRE-EMPLOYMENT URINALYSIS**

If an employee refuses/fails to take the pre-employment urinalysis, he/she shall be disqualified for medical reasons without the right of appeal under the civil service rules. Further, such medical disqualification shall not be subject to the grievance/arbitration provision in the applicable M.O.U. The employee's refusal/failure to take the urinalysis shall not be a presumption of any misconduct and no disciplinary action shall be taken against the employee.

#### **SECTION 5. LABORATORY TESTING**

- A. Test specimens shall be transported to one of the laboratories listed in Section 5, B. herein, using the same documented chain of custody and standard of care and safety applied to other evidence transported to that laboratory.
- B. Authorized Laboratories

Only the following toxicology laboratories may be used for testing conducted under this agreement:

- 1) Smith Kline Beacham Clinical Laboratory (SBCL)  
Van Nuys, California  
(818) 989-2520
- 2) Laboratory Specialist, Inc. (LSI)  
Chatsworth, California  
(818) 718-0115

- 3) B.P.L. Metwest Laboratory  
Tarzana
- 4) Nichols Institute  
San Diego
- 5) Pharchem Laboratory  
Menlo Park
- 6) Poisonlab  
San Diego

C. Laboratory Receipt of Specimens, Chain of Evidence and Rejection Criteria

Samples received by the laboratory shall be signed in on the collection log sheet. Each sample shall be inspected for evidence of possible tampering. The confidential identification numbers will be compared with the numbers on the collection log sheet serving as the chain of custody document. Any evidence of any tampering, or discrepancies in the identification numbers on the samples and collection log sheet, or in the event that the seal is broken on any sample, that there is no identification number, or the identification number is illegible, such shall be reported to the medical facility and shall be noted on the collection log sheet. Such specimens shall not be tested.

D. Substances To Be Tested

Urine specimens may only be tested for any or all of the following:

- 1) Amphetamines/Methaphetamines
- 2) Benzodiazepines (e.g. Valium, Librium)
- 3) Barbiturates
- 4) Cocaine
- 5) Methadone
- 6) Methaqualone (e.g. Quaalude)
- 7) Opiates

- 8) Phencyclidine (PCP)
- 9) T.H.C. - Tetrahydrocannabinol (Marijuana)

#### E. Test Steps

##### 1) Initial Screening

All specimens tested shall first go through an immunoassay screening test (EMIT) which will be used to eliminate "negative" urine samples from further testing.

Written documentation shall be maintained by the laboratory showing details of all the EMIT screening tests done under this program. These data may be reviewed by consultants to the employee. All samples that initially screen positive shall be stored in a locked freezer until confirmation studies by GC/MS are complete.

##### 2) Confirmatory Test

Specimens which were initially screened and found to be positive shall be confirmed using Gas Chromatography/Mass Spectrometry (GC/MS) quantitative techniques.

##### 3) Cut-off Levels

Cut-off levels for a positive test are either those established by NIDA for the drugs for which NIDA has made such recommendations, or as established through consultation with County Unions for those drugs on the list that NIDA has not established cut-off level(s). The cut-off levels are as follows:

<u>Drug</u>	<u>Initial Screen (EMIT)</u>	<u>Confirming Test (GC/MS)</u>
Amphetamines (NIDA)	1000 ng/ml	500 ng/ml
Benzodiazapines	300 ng/ml	300 ng/ml

Barbiturates	300 ng/ml	300 ng/ml
Cocaine (NIDA)	300 ng/ml	150 ng/ml
Methadone	300 ng/ml	300 ng/ml
Methaqualone	300 ng/ml	300 ng/ml
Opiates (NIDA)	300 ng/ml	300 ng/ml
P.C.P. (NIDA)	25 ng/ml	25 ng/ml
T.H.C. (NIDA)	100 ng/ml	15 ng/ml

#### **SECTION 6. LABORATORY REPORTING**

- A. The laboratory report, whether negative or positive, shall be returned to the medical facility from which the specimen came.
- B. The medical facility shall include the laboratory report in the applicant's medical examination record when the record is returned to the County Occupational Health Service for final review.

#### **SECTION 7. MEDICAL REVIEW**

- A. The County's Medical Review Officer shall conduct an in-depth review of all tests reported as positive by the laboratory. The MRO shall review the applicant's Pre-test Declaration and shall take such action as may be necessary to examine any alternate medical explanation for a positive test result. Such action may include a voluntary medical interview with the applicant, at the option of the applicant and a review of all medical records made available by the applicant.
- B. Following the above review, the MRO shall arrive at a decision as to whether the test result was caused by appropriate use of medication or other appropriate medical justification. If such justification exists the test shall be interpreted as negative by the MRO.
- C. If there is no such medical justification, the MRO shall interpret the test as positive and so document the medical record.

## **SECTION 8. CONSEQUENCES OF A POSITIVE TEST RESULT**

- A. If the applicant has a positive drug test, he/she shall be medically disqualified from the position for which the test was done.
- B. The applicant shall be notified of this disqualification by means of the Medical Examination Results card normally used for reporting of medical examination results to the applicant.
- C. Notification of a disqualification for a positive test shall include information pertaining to the right to appeal and to have the specimen tested by a laboratory selected by the employee.
- D. For existing employees who are working in a sensitive position and are undergoing a preplacement medical examination for a position for which testing is required, a positive drug test result shall be reported to the employee's current department.

The MRO shall meet with and evaluate the employee. The MRO shall determine whether the employee is in need of a drug rehabilitation/treatment program. If a program is needed, the MRO shall recommend the appropriate type of program.

The employee must voluntarily enter and successfully complete an appropriate treatment/rehabilitation program. Refusal to do so may subject the employee to discipline up to and including discharge.

- E. For existing employees who are not currently working in a sensitive position and have a positive test, the MRO shall meet with and evaluate the employee. The MRO shall determine whether the employee is in need of a drug rehabilitation/treatment program. If a program is needed, the MRO shall recommend the appropriate type of program.

If the employee enters and successfully completes the program, no report of the positive test shall be sent to the employee's current department and no disciplinary action shall result from the positive test.

- F. Disciplinary action in which the drug test result was a factor shall be subject to dispute through the same procedures that would govern any other disciplinary action.

4/18/92  
rs6:test111.x



DRUG FREE WORKPLACE AGREEMENT  
FOR JOINT SUBMISSION  
TO BOARD OF SUPERVISORS  
REGARDING THE  
SUPERVISORY BEACH LIFEGUARDS  
AND  
BEACH LIFEGUARDS EMPLOYEE  
REPRESENTATION UNITS

THIS AGREEMENT MADE AND ENTERED INTO THIS 23rd DAY OF JULY,  
1991

BY AND BETWEEN

AUTHORIZED MANAGEMENT  
REPRESENTATIVE  
(hereinafter referred to as the  
"Department") of the County of  
Los Angeles (hereinafter  
referred to as "County"),

AND

LOS ANGELES COUNTY LIFEGUARD  
ASSOCIATION, LACOLA

AS TO FORM  
W. CLINTON, County Counsel

AGREEMENT BETWEEN THE COUNTY OF LOS ANGELES  
AND THE LOS ANGELES COUNTY ASSOCIATION OF  
LIFEGUARDS FOR DRUG FREE WORKPLACE  
PROMOTIONAL TESTING

This agreement, entered this 23rd day of July 1991, by and between the County of Los Angeles, a body corporate and politic, organized and existing under the State of California, hereinafter referred to as "County", and the Los Angeles County Lifeguard Association, a certified employee organization organized and existing under the laws of the State of California, hereafter referred to as "LACOLA".

WHEREAS, the County's Department of Beaches and Harbors wishes to accomplish a drug free workplace.

WHEREAS, LACOLA is also desirous of accomplishing a drug free workplace.

NOW THEREFORE, in consideration of the mutual covenants herein, the parties agree as follows:

- 1) The Department of Beaches and Harbors will include drug screening as part of the physical examination required before a Recurrent Ocean Lifeguard is promoted to Senior Ocean Lifeguard.
  - A) Before a candidate is initially promoted to either an "A" or "B" item, he/she must successfully pass a drug-screening test.
  - B) If an Ocean Lifeguard has successfully completed a drug screening test within three years, no new test will be conducted for "A" item appointment. If the prior test is more than three years old from the date of the proposed permanent appointment, a new drug screening test must be passed.
  - C) If a candidate does not pass the physical, the Personnel Services Office receives a Medical Placement Card from Occupational Health indicating that the employee is not qualified for the position. If the employee indicates that he/she failed the drug portion of the physical examination, the employee will place himself/herself unavailable on the hiring list during rehabilitation. Upon successful rehabilitation, certified by the Treatment Provider, the employee will then make himself/herself available to return to active duty and must successfully pass a drug screening test before promotion.
  - D) Occupational Health Services of the CAO will report the final physical result but not the reason for a

candidate receiving a Class D (not qualified to perform this job). The result card sent by OHS to the candidate does indicate the reason.

- E) A candidate who fails the physical examination can review the results with OHS and appeal under Civil Service Rule 9.06. No appointments will be made until all test results, including secondary and appeal tests, are completed.
- F) Because the department will not know the reason for an Ocean Lifeguard failing a physical examination for Senior Ocean Lifeguard, rehabilitation cannot be offered unless the employee requests it.

2) The Department of Beaches and Harbors will require a candidate for Lieutenant, Rescue Boat Lieutenant, Supervising Rescue Boat Lieutenant, or Captain to take a drug-screening test as part of the examination process.

- A) Only when a candidate is to be promoted, to either an "A" or "B" item, will he/she be required to take a drug screening test. If the appointment to an "A" item is within three years of appointment to a "B" item, and successful completion of the drug-screening test, no new test is required. If the appointment is more than three years after the previous drug-screening test, a new test will be required.
- B) If the candidate does not pass the drug screening test, the appointment will not be made.
- C) After successful rehabilitation, certified by the Treatment Provider, the candidate must successfully complete a drug screening test before appointment.

3) The results of all drug-screening tests and participation in rehabilitation programs will be confidential; only the Chief Lifeguard, his Assistant, the Assistant Director and the Personnel Officer are aware of anyone who tests positive under #1 or #2 above.

4) The Personnel Officer will work with a candidate who fails the drug screening test to get rehabilitation, counseling, and treatment. The cost of rehabilitation will be the responsibility of the employee. A permanent employee who fails the drug screening, or who comes forward admitting a dependency problem, will be placed on sick leave or a "light duty" assignment, depending on his/her medical condition, until rehabilitation is completed. The Department will make reasonable efforts to accommodate the employee who is in a rehabilitation program.

5) The department and LACOLA will establish a Drug-Free Workplace Committee to monitor the program.

- A) The initial meeting of the committee will be within two months after the first examination covered by this agreement has been promulgated and appointments made.
- B) The Committee will meet at least annually after the initial meeting to review the progress of the program and make necessary revisions of this agreement.
- C) There may be ad hoc meetings called by either LACOLA or the Department to review policies and their implementation as they relate to a drug free work place program. These meetings will occur no more than quarterly or if there is a need to clarify the meanings of the agreement if a grievance or suit is filed against either party.

6) In return for LACOLA's agreement with the Drug Free Workplace Promotional Testing Program, the Department of Beaches and Harbors will provide the uniform items identified below:

- A) Permanent Lifeguards--one pair of uniform shoes every two years and one lifeguard golf shirt every year.
- B) Recurrent Lifeguards who work 180 days (1440 hours) during the preceding rating period--One pair of uniform shoes every two years and one lifeguard golf shirt every year.
- C) All Other Recurrent Lifeguards--One lifeguard golf shirt at the start of the program and a replacement shirt after 60 days (480 hours) of cumulative service, not to exceed one per year.

7) The term of this agreement between LACOLA and the Department is six years from the date that the Coalition of County unions and the County agreement on drug-testing is approved by the Board of Supervisors. That agreement will establish the protocols for drug testing and any "hold harmless and indemnification clause."


This agreement is between the Department of Beaches and Harbors and the Los Angeles County Lifeguard Association.

IN WITNESS WHEREOF, the parties hereto have caused their duly authorized representatives to execute this agreement the day, month and year first above written.

LOS ANGELES COUNTY LIFEGUARD  
ASSOCIATION

BY   
President, LACOLA

COUNTY OF LOS ANGELES  
AUTHORIZED MANAGEMENT  
REPRESENTATIVE

BY   
Director,  
Department of  
Beaches and Harbors

TO BE JOINTLY SUBMITTED TO COUNTY'S BOARD OF SUPERVISORS

**AMENDMENT NO. 4  
MEMORANDUM OF UNDERSTANDING  
FOR JOINT SUBMISSION  
TO THE BOARD OF SUPERVISORS  
REGARDING  
FRINGE BENEFITS**

THIS AMENDMENT NO. 4 TO MEMORANDUM OF UNDERSTANDING, made and entered into this 28th day of January, 1992.

BY AND BETWEEN

Authorized Management  
Representatives (hereinafter  
referred to as "Management")  
of the County of Los Angeles  
(hereinafter referred to as  
"County")

AND

THE COALITION OF COUNTY  
UNIONS, AFL-CIO (hereinafter  
referred to as the "Coalition")

WHEREAS, on the 8th day of November, 1989, the parties entered into a Memorandum of Understanding regarding Fringe Benefits, which Memorandum of Understanding was subsequently approved and ordered implemented by the County's Board of Supervisors; and

WHEREAS, as a result of mutual agreement, the parties desire to amend said Memorandum of Understanding as set forth hereafter:

NOW, THEREFORE, the parties agree as follows:

1. Article 28, subsection 1) of said Memorandum of Understanding is hereby amended by inserting 1990 and/or 1991 in lieu of 1989 and/or 1990.
2. Said Memorandum of Understanding is hereby amended by adding Attachment C - Reasonable Suspicion Drug/Alcohol Testing and Attachment D - Preplacement Drug Testing For Employee/Applicants appended hereto.
3. This Amendment No. 4 to said Memorandum of Understanding constitutes a mutual recommendation to be jointly submitted to the County's Board of Supervisors, and this Amendment No. 4 will become effective when and if approved and implemented by


said Board of Supervisors, in the same manner as provided in Article 2, which was applicable to the implementation of the original Memorandum of Understanding.

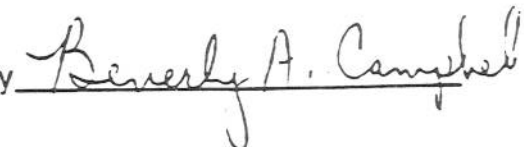
3. Except as herein specifically amended, each and every other provision of said Memorandum of Understanding shall continue to remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused their duly authorized representatives to execute this fourth amendment to the Memorandum of Understanding the day, month and year first above written.

COALITION OF COUNTY UNIONS,  
AFL-CIO

COUNTY OF LOS ANGELES  
AUTHORIZED MANAGEMENT  
REPRESENTATIVE

By 

By 



**URINE TESTING-REASONABLE SUSPICION ONLY**

**SECTION 1.        SCOPE**

- A. This agreement shall not supersede any departmental drug/alcohol testing program which was in effect prior to this agreement or comes into effect after this agreement as a result of additional negotiations as appropriate.

**SECTION 2.        AUTHORITY**

- A. The County may require an employee to provide a urine specimen for analysis to detect the presence of drugs or alcohol only if there is reasonable suspicion to believe that the employee is impaired from performing his/her job as a result of drugs or alcohol.
- B. The authority to require a drug/alcohol test does not eliminate nor replace the normal supervisory responsibilities for evaluating performance and initiating corrective or disciplinary action when necessary.

**SECTION 3.        REASONABLE AND SUSPICION DEFINED**

- A. Reasonable suspicion must be based on both objective evidence and reasonable inference from such evidence that an employee's impaired performance is the result of use of drugs or alcohol. Such evidence must include observations by a trained supervisor or manager of typical indicators of intoxication or impairment caused by drugs or alcohol which are not reasonably explained as resulting from causes other than the use of drugs or alcohol.
- B. Observation of the use of drugs or alcohol in conjunction with observation of typical indicators of intoxication or impairment may be considered reasonable suspicion.
- C. Reasonable suspicion must be confirmed by a second supervisor, manager, or other reliable witness unless it is not possible to do so. If it is impossible to have such witness, the reason for no witness will be documented in the observation statement described in Section 3D below.
- D. The supervisor or manager shall document in writing all observations which provide the basis for reasonable suspicion and this documentation shall be signed by the confirming observer, unless impossible pursuant to 3C above.
- E. A copy of the signed documentation shall be provided to the employee prior to the requirement of testing. The employee shall be given an opportunity to provide a reasonable explanation other than the use of drugs or alcohol for any alleged intoxication or impairment.

- F. The employee shall be informed of his/her right to representation prior to the request for an explanation or the requirement of testing. Exercising this right, however, shall not cause an unreasonable delay (usually not more than four (4) hours) in obtaining a specimen.

#### **SECTION 4. SPECIMEN COLLECTION AND ANALYSIS**

A. Program Roles Defined

1. Chief Administrative Officer

The Chief Administrative Officer, or his/her delegate authorized to act in his behalf, is designated as the County's Drug Abuse Program Director. The Drug Abuse Program Director shall have overall responsibility for Countywide coordination of this program.

2. Medical Review Officer

The Medical Review Officer (MRO) shall be a licensed physician who has a knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's positive test result together with his or her medical history and any other relevant biomedical information. The responsibility for the assignment of the appropriately qualified physician and for ensuring his availability is that of the Drug Abuse Program Director.

B. Confidentiality of Testing

Employees subjected to urine testing under this agreement shall be assigned a confidential test identification number. The actual collection process shall be as discreet as possible and shall respect the dignity of the employee.

C. Notification of Selection

Urine specimen collection will be done at an employee's work location or, if not appropriate, a contract medical facility, only.

The employee's immediate supervisor shall assist by arranging for employee(s) to present himself/herself for testing. The employee's immediate supervisor shall also assist by locating and securing restroom facilities that best meet the requirements of the collection procedure.

Every effort shall be made by the employee's supervisors to ensure that said testing is handled on an absolutely confidential basis, both before and after the test is administered.

D. Collection Site Privacy and Security

The actual collection process takes only a few minutes. However, because there must be rigorous controls for privacy, security and chain-of-evidence purposes, choosing the most appropriate restroom is crucial.

The restroom selected as a collection site shall be equipped with a sink to allow employees to wash their hands, a toilet, and be equipped with a stall for privacy.

During the specimen collection process, no unauthorized personnel shall be permitted in the restroom. The only authorized personnel are the employee and the Collection Team Member of the same sex. Another Collection Team Member shall remain outside the restroom and shall bar entry for the time it takes to collect and package a specimen.

E. Employee Identification, Advisory Statement and Pre-Test Declaration Form

When the Collection Site Team contacts an employee, the employee shall be asked to present his/her County issued photo identification card or California Driver's License or California Identification Card as issued by the State Department of Motor Vehicles. If the employee is unable to present proper identification, he/she must be identified by his/her immediate supervisor.

The employee will also be asked to complete a Pre-test Declaration form (Exhibit "A"). The form elicits information about recent use of prescription and non-prescription medications, and accidental exposure to controlled substances. The form shall contain the employee's confidential test number. It is to be placed in a sealed envelope by the employee and given to the Collection Team. The form will be destroyed without being reviewed if the results are negative.

F. Collection, Integrity and Identification of Specimen

1. Worksite Collection

After an employee has been properly identified, briefed about the reason for the test and has completed the Pre-test Declaration form, the mechanics of the collection process shall be explained. The Collection Team shall require the employee to remove any unnecessary outer garment (e.g., coats, jackets, etc.) and shall visually check for signs of concealed items that might be used to adulterate or substitute a sample. Personal belongings such as briefcases, purses, etc., must remain with the employee's outer garments. The employee shall retain control of his/her wallet.

The employee shall wash and dry his/her hands prior to providing a urine specimen. There shall be no further access to water, soap, any chemical agent, or other materials which could be used to adulterate the specimen until after it has been provided.

The Collection Team shall place a toilet bluing agent in the toilet bowl and, if the toilet is so equipped, in the reservoir tank. The purpose of this procedure is to deter the dilution of the specimen.

The employee shall be required to provide a specimen in a large, wide mouthed, easily carried, plastic non-reusable cup, unobserved and in the privacy of a stall or otherwise partitioned area. Unusual behavior shall be noted by the Collection Team on the Collection Log Sheet (Exhibit "B").

The employee will select two approved specimen bottles (samples A and B). The containers will have affixed to them specially prepared labels showing the employee's confidential identification number. The employee shall then provide a urine specimen and divide it equally between the two bottles in the presence of the Collection Team.

A minimum of 50 milliliters (1.7 fluid ounces) must be provided or the specimen will be considered incomplete. If the Collection Team determines that there is an insufficient amount of urine (less than 50 milliliters total) in the specimen bottles, additional urine shall be collected and the insufficient sample(s) shall be discarded. In this instance, the employee shall remain under the supervision of the Collection Team. The employee shall be asked to drink fluids to aid in urination and shall be allowed a reasonable amount of time to furnish additional urine.

Immediately after a specimen collection, the Collection Team shall ensure the temperature is between 90 and 100 degrees Fahrenheit. The Collection Team shall also inspect the specimen for signs of adulteration (e.g., contaminants, color, etc.). Unusual findings should be noted in the remarks section of the Collection Log Sheet.

In the presence of the Collection Team the employee shall secure lids on the specimen bottles. The Collection Team shall then seal the lids with evidence tape. If at the time of collection, there is reason to believe that the specimens have been diluted, adulterated, substituted, or in any way tampered with, the Collection Team shall report the matter on the Collection Log Sheet. The Collection Team may report those observations on the Collection Log Sheet, in writing to the laboratory, which may analyze the suspect specimens. The results of those analyses shall be reported in the written laboratory report to the MRO for further action, if any is needed.

## 2. Alternate Collection Procedure

As an alternative to collection of the urine specimen at the worksite the employee may request, or management may require employee to be transported to a contract medical facility listed in Exhibit C. Management may only require an employee to be transported if the collection can not appropriately take place at the work site. Such transportation shall meet the following guidelines:

- a. The employee will be driven by someone other than his/her immediate supervisor, unless the supervisor and the employee agree that the supervisor is the most suitable person.
- b. Public transportation such as a taxicab may be utilized. In such case the department will provide a suitable person from the department to accompany the individual. Again, the supervisor should not be utilized unless there is agreement with the employee that the supervisor is the most suitable person.
- c. Security personnel from the department or from Internal Services may also be utilized for transporting the employee to the medical facility.
- d. Specimen collection at the medical facility shall conform to the guideline procedure as described in 4.F., Collection, Integrity and Identification of Specimen, herein above.

## G. Refusal to Provide Urine Specimen

An employee who refuses to consent to a drug or alcohol test shall not be subject to disciplinary action for that refusal. However, the fact of the refusal shall constitute a rebuttable presumption that the employee was under the influence of drugs and/or alcohol at the time of the order to submit to the urine test.

Note: Failure to provide a specimen within a reasonable period of time (usually not more than four (4) hours) may constitute a refusal to take a urine test.

## H. Chain of Custody

Test specimens shall be transported to one of the laboratories listed in Section 5.B. herein using the same documented chain of custody and standard of care and safety applied to other evidence transported to that laboratory. Sealed specimen bottles shall be placed in a locked portable container and kept under the direct control of the Collection Team until it leaves custody at the laboratory. Only the Collection Team and laboratory personnel shall possess keys to the portable specimen container.



No written remarks about container contents or test employee identities shall be made on the container except as required by the laboratory. The Collection Log Sheet and Pre-test Declaration forms shall be locked inside the specimen container and, upon delivery to the laboratory, both the transporting employee and the laboratory employee authorized to receive the specimens shall open the container. They shall obtain the Collection Log Sheet and note their identities in the appropriate place on the form. At this point, the laboratory assumes custody of the specimens, Collection Log Sheets and sealed envelope containing the Pre-test Declaration form.

A copy of the Collection Log Sheet shall be retained by the Collection Team.

## **SECTION 5.      LABORATORY TESTING**

### **A.      Test Methodology**

The testing methodology will be based on a laboratory examination of a urine specimen and shall meet all analytical, quality assurance and quality control standards as set by NIDA.

Laboratory analyses of urine specimens shall be restricted to those tests authorized by this agreement to detect drug abuse. They shall not be used for other purposes, such as the analyses of physiological states or diseases (e.g., pregnancy, AIDS).

### **B.      Authorized Laboratories**

Only the following toxicology laboratories may be used for testing conducted under this agreement for employees represented by the Coalition:

1.      Smith Kline Becham Clinical Laboratory (SBCL)  
         Van Nuys, California  
         (818) 989-2520
2.      Laboratory Specialist, Inc. (LSI)  
         Chatsworth, California  
         (818) 718-0115
3.      Damon Clinical Laboratory  
         Newberry Park, California  
         (805) 498-3181
4.      Healthtech  
         Long Beach, California  
         (800) 654-1172

5. B.P.L. Metwest Laboratory  
Tarzana
6. Nichols Institute  
San Diego
7. Pharchem Laboratory  
Menlo Park
8. Poisonlab  
San Diego

C. Laboratory Receipt of Specimens, Chain of Evidence and Rejection Criteria

Samples received by the laboratory shall be signed in on the Collection Log Sheet. Each sample shall be inspected for evidence of possible tampering. The employee confidential identification numbers will be compared with the numbers on the Collection Log Sheet serving as the chain of custody document. Any evidence of any tampering, or discrepancies in the identification numbers on the samples and Collection Log Sheet, or in the event that the seal is broken on either sample, that there is no identification number, or the identification number is illegible, such shall be reported to the Drug Abuse Program Director and shall be noted on the Collection Log Sheet. Such specimens shall not be tested.

D. Substances To Be Tested

Urine specimens may only be tested for any or all of the following:

1. Amphetamines/Methaphetamines
2. Benzodiazepines (e.g. Valium, Librium)
3. Barbiturates
4. Cocaine
5. Methadone
6. Methaqualone (e.g. Quaalude)
7. Opiates
8. Phencyclidine (PCP)
9. T.H.C. - Tetrahydrocannabinol (Marijuana)
10. Alcohol

E. Test Steps

1. Initial Screening

All specimens tested shall first go through an immunoassay screening test (EMIT) which will be used to eliminate "negative" urine samples from further testing.

Written documentation shall be maintained by the laboratory showing details of all the EMIT screening tests done under this program. These data may be reviewed by consultants to the Union. All samples that initially screen positive shall be stored in a locked freezer until confirmation studies by GC/MS are complete.

2. Confirmatory Test

Specimens which were initially screened and found to be positive shall be confirmed using Gas Chromatography/Mass Spectrometry (GC/MS) quantitative techniques.

3. Cut-off Levels

Cut-off levels for a positive test are either those established by NIDA for the drugs for which NIDA has made such recommendations, or as established through negotiations with the Coalition for those drugs on the list for which NIDA has not established cut-off level(s). For purposes of this agreement, the cut-off levels are as follows:

<u>Drug</u>	<u>Initial Screen</u>  (EMIT)	<u>Confirming Test</u>  (GC/MS)
Amphetamines (NIDA)	1000 ng/ml	500 ng/ml
Benzodiazapines	300 ng/ml	300 ng/ml
Barbiturates	300 ng/ml	300 ng/ml
Cocaine (NIDA)	300 ng/ml	150 ng/ml
Methadone	300 ng/ml	300 ng/ml
Methaqualone	300 ng/ml	300 ng/ml
Opiates (NIDA)	300 ng/ml	300 ng/ml
P.C.P. (NIDA)	25 ng/ml	25 ng/ml
T.H.C. (NIDA)	100 ng/ml	15 ng/ml
Alcohol	.05g %	.05g %



## **SECTION 6.        LABORATORY REPORTING**

### **A.     Preparation of Laboratory Report - Negative Test Specimens**

The laboratory shall prepare a report, by confidential test identification number, of any specimen screened as negative and shall forward such report to the Medical Review Officer. The Medical Review Officer will notify the employee and the department of the negative test. The employee shall be given the choice of having the test results made part of his/her record or having the Medical Review Officer destroy the report and pre-test declaration and all references to a test being conducted.

### **B.     Preparation of Laboratory Reports - Positive Test Specimens**

In the event that a specimen is found to be positive by the GC/MS process, the laboratory shall prepare a written report. The original report shall be retained by the laboratory. One copy, along with the sealed pre-test declaration form, shall be sent to the Medical Review Officer.

The laboratory report shall contain the following information:

1.     Employee confidential test identification number.
2.     The drug identified.
3.     The initial screening method.
4.     The date screened.
5.     The screening analyst's name.
6.     The printed output from the immunoassay screening instrument pertaining to the batch of samples which includes the positive sample. That output will include the data from the relevant standards, blanks, quality control samples, and positive sample.
7.     The confirmation method.
8.     The date confirmed.
9.     The confirming analyst's name and signature.
10.    The graphs and reports pertaining to the gas chromatographmass spectrometer analysis of the relevant batch of samples and associated controls and quantitative standards.

11. The name and signature of the reviewing laboratory supervisor.
12. Collection Log Sheet.

Following confirmation, all positive urine samples are to be frozen and retained for a minimum of one (1) year by the laboratory, except when an employee appeals any negative action taken by the County, then the sample shall be maintained until all appeals are concluded.

## **SECTION 7.        REVIEW OF RESULTS**

### **A.        Report of Laboratory Results**

The Medical Review Officer shall report to the tested employee the results of all urine tests within four business days from collection of sample.

### **B.        Preliminary Determination**

The laboratory shall notify the Medical Review Officer whenever it confirms a positive test result.

### **C.        Medical Review**

The Medical Review Officer shall conduct an in-depth review of all tests reported as positive by the Laboratory. The laboratory report will include all materials specified in Section 6, B. above. The MRO shall review the test subject's Pre-test Declaration and shall take such action as may be necessary to examine any alternate medical explanation for a positive test result. Such action may include a voluntary medical interview with the employee, at the option of the employee, and a review of all medical records made available by the employee.

The MRO will arrange an interview with the employee (employee's option). The MRO will try to contact the employee utilizing the daytime telephone number designated by the employee on the Pre-test Declaration form.

The MRO is authorized to terminate the process if the MRO determines that the test result was caused by appropriate use of medication. The MRO will then prepare a written report to the Department Head limited to his statement of conclusion. No further action will be taken.

If the MRO cannot close the case, he/she will contact the Program Director regarding the need for additional information in order to verify the employee's statements. The Program Director will immediately verify the facts presented by the employee. The information obtained will be provided to the Medical Review Officer. The Medical Review Officer will prepare a written report to the Department Head limited to a statement of conclusion.

D. Employee Notification

If the MRO does not find appropriate medical justification for the positive laboratory findings, he/she shall notify the employee and prepare a written report to the Department. Upon notification to the employee of a positive finding, the employee shall be provided with the laboratory report (as described in Section 6.B. above) and the MRO's written report. The employee also shall be provided with a written notice of his/her right to have the second sample (Sample B) independently tested and reviewed by an independent MRO.

E. Retesting

When the laboratory has confirmed a positive test result, the employee or his representative may request that a GC/MS test of Sample B be conducted at another approved laboratory listed in Section 4, B. herein.

If the test results are positive, an independent Medical Review Officer selected by the employee or his/her representative will review the findings and interview the employee (at employee option). The MRO will prepare a report to be given to the Drug Abuse Program Director with a copy to the employee.

If the results of the Sample B tests are negative, the Drug Abuse Program Director may request that GC/MS tests of Samples A and B be performed at a third laboratory listed in Section 5, B. herein.

If the test results from the third laboratory are negative, or if the Program Director elects not to have a third chemical test, no further action will be taken.

If the test results from the third laboratory are positive, an independent Medical Review Officer agreed upon by the employee and the Program Director will review the findings and interview the employee (at employee option). The MRO will prepare a report to be given to the Drug Abuse Program Director with a copy to the employee.

The County shall pay for all such testing. All such testing of an employee covered by this agreement shall be on County time.

F. Audit Trail

Urine Testing results are inadmissible in any proceeding without an audit trail showing compliance with each aspect of this procedure. Burden of showing compliance is on the County.

## **SECTION 8.**

### **CONSEQUENCES OF A POSITIVE TEST RESULT**

If an employee tests positive for drugs or alcohol in a urine test conducted pursuant to the procedure set forth herein, the employer may take disciplinary action for proper cause and rely on the positive test result in conjunction with the employee's observed behavior at the time that the test was ordered.

Departments shall consider the appropriateness of the employee voluntarily entering and completing an alcohol/drug abuse treatment program in lieu of or to mitigate the severity of discipline.

Any disciplinary action taken as a result of a positive drug test in conjunction with the employee's observed behavior on the job shall be subject to dispute through the same procedures that would govern any other disciplinary action.

## **SECTION 9.**

### **FURTHER PROVISIONS**

#### **A. Hold Harmless and Indemnification Clause**

The County agrees to indemnify and defend the Coalition and each Union signatory to this agreement from any liabilities which may arise as a result of the employee organization entering into this agreement. It is expressly understood that the County of Los Angeles shall choose the counsel, and have control of all phases and aspects of the litigation and the Union's defense including settlement, and that the Union shall cooperate in that defense. It is further understood that this indemnity and defense provision only applies to those claims where the legality or constitutionality of the Urine Testing Program or any part of that program is at issue. It does not extend to claims against the Union in which the legality or constitutionality of that program is not at issue. The County will not indemnify or defend the Union against any claim that the organization or anyone acting on its behalf improperly or negligently advised, represented, or performed services for an employee with respect to any event subsequent to the effective date of this agreement with respect to the Urine Testing Program, disciplinary proceedings arising from the program, or any other right or liability of the employee related to the program.

## **PREPLACEMENT DRUG TESTING FOR EMPLOYEE/APPLICANTS**

### **SECTION 1. SCOPE**

- A. The provisions of this agreement shall only apply to an employee who applies for a position which requires a urinalysis to detect the presence of drugs as part of the pre-employment medical examination.
- B. This agreement shall not supersede any departmental drug testing program which was in effect prior to this agreement or comes into effect after this agreement as a result of additional negotiations as appropriate.

### **SECTION 2. NOTICE**

Each applicant who is required to provide a urine specimen for drug testing is required to first read and complete the Consent for Drug Analysis. When the form is presented to the applicant, he/she must show the technician positive identification, such as a driver's license. The applicant's signature on the form is witnessed by the technician. If the applicant refuses to sign the consent form or provide a urine sample, the examination process is terminated.

### **SECTION 3. COLLECTION**

- A. The nurse/technician provides the applicant with a label upon which he/she prints his/her full name, Social Security #, and date of specimen. The nurse/technician writes the applicant's account number onto the label and the applicant places his/her initials below this number on the label. The label is then placed on the laboratory container and the applicant's name, account number and date of collection are recorded in the Lab Specimen Log. This is done in the presence of the applicant, who initials the Lab Specimen Log.
- B. All applicants who are providing urine specimens for drug testing should be given a gown and asked to disrobe. No personal belongings (except for a wallet) are allowed in the restroom; purses can be left in full view of the door. The nurse/technician provides the applicant with a receptacle, cleansing towel and instructions for collecting a specimen.
- C. Prior to obtaining the specimen, the restroom facility is prepared. The commode water is colored with a bluing agent, the water supply turned off (or evidence tape placed over the faucet), soap removed, and the back of the commode taped shut with evidence tape (if it is of a style that allows access into the tank).

- D. The applicant is instructed to wash his/her hands before entering the restroom. He/she is also instructed to not flush the toilet or attempt to turn on the water in the restroom.
- E. If the applicant states that he/she cannot give a specimen at this time, he/she is provided with something to drink and asked to wait until he/she can give one. He/she is advised that procedure requires the specimen be given at this time. Failure to provide a specimen may be reason to disqualify the applicant. If there is a valid medical reason for not giving a specimen, the appropriate County authority is contacted for instructions on how to proceed.
- F. When the applicant returns with the specimen, the technician immediately checks the temperature. If the temperature of the specimen is below 90.5° or above 99.8°F, there is reason to believe the specimen may not be valid, and the applicant is asked to provide another. If the color indicates that the specimen may have been watered down, a notation to this effect is also made on the chain of custody form.
- G. The specimen must be at least 50 milliliters in quantity. If it is not, the applicant is asked to provide another specimen. After the temperature and color of the second specimen is observed (and is acceptable), the specimens are combined and measured for quantity in the presence of the applicant. The specimens will then be split into equal samples, A & B. The specimen to be sent for drug testing shall not have been used for any other testing, including the so called "dip stick" sugar test.
- H. With the applicant observing, the nurse/technician pours the specimen into a pre-labelled laboratory container. The container is then sealed for shipment. The technician should place evidence tape (provided by the laboratory) on the top of the urine tube, covering the cap and side of the tube. The applicant then initials the evidence tape on the top of the cap.
- I. The nurse/technician completes the shipping envelope provided by the laboratory, giving the following information:
- 1) Doctor in Group or Name of Clinic
  - 2) Patient ID# or Social Security#
  - 3) Date
  - 4) Patient Name
  - 5) Panel #



J. Chain of Custody form is completed next by providing the following information:

- 1) Applicant's Name (SS or ID#)
- 2) Date of Collection
- 3) Site of Collection
- 4) Test or Panel #
- 5) Signature of Applicant and Clinic Technician

K. As a final step, the specimen is placed into a laboratory plastic bag with the original Chain of Custody form and sealed. A copy of the Chain of custody form is also stapled to the bag. The bag is placed into the shipping envelope and sealed with evidence tape. Specimens are refrigerated until picked up by the laboratory courier.

#### **SECTION 4. CONSEQUENCES OF A REFUSAL/FAILURE TO TAKE THE PRE-EMPLOYMENT URINALYSIS**

If an employee refuses/fails to take the pre-employment urinalysis, he/she shall be disqualified for medical reasons without the right of appeal under the civil service rules. Further, such medical disqualification shall not be subject to the grievance/arbitration provision in the applicable M.O.U. The employee's refusal/failure to take the urinalysis shall not be a presumption of any misconduct and no disciplinary action shall be taken against the employee.

#### **SECTION 5. LABORATORY TESTING**

A. Test specimens shall be transported to one of the laboratories listed in Section 5, B. herein, using the same documented chain of custody and standard of care and safety applied to other evidence transported to that laboratory.

B. Authorized Laboratories

Only the following toxicology laboratories may be used for testing conducted under this agreement:

- 1) Smith Kline Beacham Clinical Laboratory (SBCL)  
Van Nuys, California  
(818) 989-2520
- 2) Laboratory Specialist, Inc. (LSI)  
Chatsworth, California  
(818) 718-0115

- 3) B.P.L. Metwest Laboratory  
Tarzana
- 4) Nichols Institute  
San Diego
- 5) Pharchem Laboratory  
Menlo Park
- 6) Poisonlab  
San Diego

C. Laboratory Receipt of Specimens, Chain of Evidence and Rejection Criteria

Samples received by the laboratory shall be signed in on the collection log sheet. Each sample shall be inspected for evidence of possible tampering. The confidential identification numbers will be compared with the numbers on the collection log sheet serving as the chain of custody document. Any evidence of any tampering, or discrepancies in the identification numbers on the samples and collection log sheet, or in the event that the seal is broken on any sample, that there is no identification number, or the identification number is illegible, such shall be reported to the medical facility and shall be noted on the collection log sheet. Such specimens shall not be tested.

D. Substances To Be Tested

Urine specimens may only be tested for any or all of the following:

- 1) Amphetamines/Methaphetamines
- 2) Benzodiazepines (e.g. Valium, Librium)
- 3) Barbiturates
- 4) Cocaine
- 5) Methadone
- 6) Methaqualone (e.g. Quaalude)
- 7) Opiates
- 8) Phencyclidine (PCP)
- 9) T.H.C. - Tetrahydrocannabinol (Marijuana)

E. Test Steps

1) Initial Screening

All specimens tested shall first go through an immunoassay screening test (EMIT) which will be used to eliminate "negative" urine samples from further testing.



Written documentation shall be maintained by the laboratory showing details of all the EMIT screening tests done under this program. These data may be reviewed by consultants to the Union. All samples that initially screen positive shall be stored in a locked freezer until confirmation studies by GC/MS are complete.

2) **Confirmatory Test**

Specimens which were initially screened and found to be positive shall be confirmed using Gas Chromatography/Mass Spectrometry (GC/MS) quantitative techniques.

3) **Cut-off Levels**

Cut-off levels for a positive test are either those established by NIDA for the drugs for which NIDA has made such recommendations, or as established through negotiations with the Coalition for those drugs on the list that NIDA has not established cut-off level(s). For purposes of this agreement, the cut-off levels are as follows:

<u>Drug</u>	<u>Initial Screen (EMIT)</u>	<u>Confirming Test (GC/MS)</u>
Amphetamines (NIDA)	1000 ng/ml	500 ng/ml
Benzodiazapines	300 ng/ml	300 ng/ml
Barbiturates	300 ng/ml	300 ng/ml
Cocaine (NIDA)	300 ng/ml	150 ng/ml
Methadone	300 ng/ml	300 ng/ml
Methaqualone	300 ng/ml	300 ng/ml
Opiates (NIDA)	300 ng/ml	300 ng/ml
P.C.P. (NIDA)	25 ng/ml	25 ng/ml
T.H.C. (NIDA)	100 ng/ml	15 ng/ml

**SECTION 6. LABORATORY REPORTING**

- A. The laboratory report, whether negative or positive, shall be returned to the medical facility from which the specimen came.
- B. The medical facility shall include the laboratory report in the applicant's medical examination record when the record is returned to the County Occupational Health Service for final review.

## **SECTION 7. MEDICAL REVIEW**

- A. The County's Medical Review Officer shall conduct an in-depth review of all tests reported as positive by the laboratory. The MRO shall review the applicant's Pre-test Declaration and shall take such action as may be necessary to examine any alternate medical explanation for a positive test result. Such action may include a voluntary medical interview with the applicant, at the option of the applicant and a review of all medical records made available by the applicant.
- B. Following the above review, the MRO shall arrive at a decision as to whether the test result was caused by appropriate use of medication or other appropriate medical justification. If such justification exists the test shall be interpreted as negative by the MRO.
- C. If there is no such medical justification, the MRO shall interpret the test as positive and so document the medical record.

## **SECTION 8. CONSEQUENCES OF A POSITIVE TEST RESULT**

- A. If the applicant has a positive drug test, he/she shall be medically disqualified from the position for which the test was done.
- B. The applicant shall be notified of this disqualification by means of the Medical Examination Results card normally used for reporting of medical examination results to the applicant.
- C. Notification of a disqualification for a positive test shall include information pertaining to the right to appeal and to have the specimen tested by a laboratory selected by the employee.
- D. For existing employees who are working in a sensitive position and are undergoing a preplacement medical examination for a position for which testing is required, a positive drug test result shall be reported to the employee's current department.

The MRO shall meet with and evaluate the employee. The MRO shall determine whether the employee is in need of a drug rehabilitation/treatment program. If a program is needed, the MRO shall recommend the appropriate type of program.

The employee must voluntarily enter and successfully complete an appropriate treatment/rehabilitation program. Refusal to do so may subject the employee to discipline up to and including discharge.

- E. For existing employees who are not currently working in a sensitive position and have a positive test, the MRO shall meet with and evaluate the employee. The MRO shall determine whether the employee is in need of a drug rehabilitation/treatment program. If a program is needed, the MRO shall recommend the appropriate type of program.

If the employee enters and successfully completes the program, no report of the positive test shall be sent to the employee's current department and no disciplinary action shall result from the positive test.

- F. Disciplinary action in which the drug test result was a factor shall be subject to dispute through the same procedures that would govern any other disciplinary action.

## **SECTION 9. FURTHER PROVISIONS**

- A. Hold Harmless and Indemnification Clause

The County agrees to indemnify and defend the Coalition and each Union signatory to this agreement from any liabilities which may arise as a result of the employee organization entering into this agreement. It is expressly understood that the County of Los Angeles shall choose the counsel, and have control of all phases and aspects of the litigation and the Union's defense including settlement, and that the Union shall cooperate in that defense. It is further understood that this indemnity and defense provision only applies to those claims where the legality or constitutionality of the Urine Testing Program or any part of that program is at issue. It does not extend to claims against the Union in which the legality or constitutionality of that program is not at issue. The County will not indemnify or defend the Union against any claim that the organization or anyone acting on its behalf improperly or negligently advised, represented, or performed services for an employee with respect to any event subsequent to the effective date of this agreement with respect to the Urine Testing Program, disciplinary proceedings arising from the program, or any other right or liability of the employee related to the program.

## PRE URINE TEST DECLARATION

THIS FORM SHALL BE SEALED AND SHALL NOT BE OPENED UNLESS THE RESULTS OF THIS URINE TEST ARE CONFIRMED AS POSITIVE. ALL OTHER SEALED DECLARATIONS SHALL BE DESTROYED WITHOUT BEING OPENED.

EMPLOYEE'S NAME: \_\_\_\_\_ CONFIDENTIAL TEST NO. \_\_\_\_\_

LIST ANY PRESCRIPTION OR OVER-THE-COUNTER NON-PRESCRIPTION MEDICATIONS YOU ARE NOW TAKING OR HAVE TAKEN DURING THE LAST THIRTY (30) DAYS. SPECIFY THE REASON FOR THE MEDICATION(S), THE AMOUNT LAST TAKEN AND THE DATE. ALSO, INDICATE THE NAME OF THE HEALTH CARE PROVIDER PRESCRIBING ANY MEDICATION(S).

SUBSTANCE	REASON FOR TAKING	DATE LAST TAKEN	AMOUNT	PRESCRIBING HEALTH CARE PROVIDER	OFFICE LOCATION
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

HAVE YOU INGESTED, INHALED OR ABSORBED ANY CONTROLLED SUBSTANCE WITHIN THE LAST TEN (10) DAYS IN CONNECTION WITH YOUR EMPLOYMENT?

( ) NO  
( ) YES      DATE \_\_\_\_\_

I CERTIFY THAT THE ABOVE INFORMATION IS, TO THE BEST OF MY KNOWLEDGE, TRUE AND CORRECT.

SIGNATURE: \_\_\_\_\_

DATE OF COLLECTION: \_\_\_\_\_

IF FOLLOW-UP IS NECESSARY, MY PREFERRED TELEPHONE NUMBER FOR CONTACT OR MESSAGE IS: AREA (    ) NO. \_\_\_\_\_

NOTE:      ONE COPY TO EMPLOYEE AT TIME OF SPECIMEN COLLECTION  
             ONE COPY TO BE PLACED IN SEALED ENVELOPE



## CONTRACT CLINICS

**Advantage Care - Artesia**  
2499 S. Wilmington Avenue  
Compton, CA 90220

**Advantage Care - De Soto**  
8919 De Soto Avenue  
Canoga Park, CA 91304

**Advantage Care - El Segundo**  
500 N. Nash Street  
El Segundo, CA 90245

**Advantage Care - Commerce**  
3430 S. Garfield Avenue  
Commerce, CA 90040

**Advantage Care - Leonis**  
2770 Leonis Boulevard  
Vernon, CA 90058

**Advantage Care - Metropolitan**  
437 E. Washington Boulevard  
Los Angeles, CA 90015

**Advantage Care - Torrance**  
2055 W. Torrance Boulevard  
Torrance, CA 90501

**Advantage Care - Van Nuys**  
16300 Roscoe Boulevard  
Van Nuys, CA 91406

**Barlow Occupational Health Center**  
6331 Greenleaf Ave.  
Whittier, CA 90601

**Dalton Medical Group .**  
10414 Vasco St.  
So. El Monte, CA 91733

**Daniel Freeman Hospitals, Inc.**  
301 N. Prairie #211  
Inglewood, CA 90301

**Daniel Freeman Hospitals, Inc.**  
815 N. Sepulveda  
El Segundo, CA 90245

**Executive Health Group**  
515 S. Flower  
Los Angeles, CA 90071

**Foothill Industrial Medical Clinics**  
6520 N. Irwindale Ave.  
Irwindale, CA 91702

**Foothill Industrial Medical Clinics**  
55 S. Raymond  
Alhambra, CA 91801

**Foothill Industrial Medical Clinics**  
4300 Baldwin Ave.  
El Monte, CA 91731

**Foothill Industrial Medical Clinics**  
445 Fair Oaks  
Pasadena, CA 91105

**Gallatin Medical Clinic**  
10720 Paramount Blvd.  
Downey, CA 90241

**Intercommunity Workcare Services**  
12401 Washington Blvd.  
Whittier, CA 90602

**Long Beach Medical Clinic**  
1250 Pacific Ave. Suite #101  
Long Beach, CA 90813

**Samaritan Health Center at the Hospital of the Good Samaritan**  
637 S. Lucas Ave  
Los Angeles, CA 90017

**St. Joseph Occupational Health Center**  
3413 Pacific Ave.  
Burbank, CA 91505

**Venice-Culver Industrial Center**  
12095 W. Washington Blvd.  
Los Angeles, CA 90066



MINUTES OF THE BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Larry J. Monteilh, Executive Officer  
Clerk of the Board of Supervisors  
383 Hall of Administration  
Los Angeles, California 90012

All Department Heads

At its meeting held June 9, 1992, the Board took the following action:

66

The following matter was called up for consideration:

Chief Administrative Officer's recommendations to adopt the County of Los Angeles Drug Free Workplace Policy and instruct Department Heads to implement the policy in their departments; approve amendment to the Fringe Benefit agreement with the Coalition of County Unions to provide pre-placement drug testing for sensitive positions and testing of employees where reasonable suspicion of substance abuse exists; approve agreement with Beach Lifeguards (Unit 641) and Supervisory Beach Lifeguards (Unit 642) to provide for drug testing as a condition of promotion to a permanent position; also approve the Drug Free Workplace Programs for all other County employees not already covered by an existing drug testing agreement or program.

Dan Savage and Charles Hanson, representing SEIU Local 660, addressed the Board.

After discussion, on motion of Supervisor Antonovich, seconded by Supervisor Hahn, unanimously carried (Supervisor Edelman being absent), the Chief Administrative Officer's attached recommendations were adopted.

30609-5.com

Attachment

Copies distributed:  
Each Supervisor



Ramon Puga case 2  
motion

TIME \_\_\_\_\_

SYN. NO. 66

8

#  
66

Introduced by ADMINISTRATIVE OFFICER

SUBJECT: Recommendation: Adopt the County of Los Angeles Drug Free Workplace Policy and instruct Department Heads to implement the policy in their departments; approve amendment to the Fringe Benefit agreement with the coalition of County Unions to provide pre-placement drug testing for sensitive positions and testing of employees where reasonable suspicion of substance abuse exists; approve agreement with Beach Lifeguards (Unit 641) and Supervisory Beach Lifeguards (Unit 642 to provide for drug testing as a condition of promotion to a permanent position; also approve the Drug Free Workplace Programs for all other County employees not already covered by an existing drug testing agreement or program. (Continued from meetings of 5-5-92, 5-12-92, 5-19-92, 5-26-92 and 6-2-92)

MOTION BY SUPERVISOR A / H

June 9, 1992

Molina

Hahn

Edelman

Antonovich

Dana

Boyle

SPEAKERS

REPRESENTING

FOR

AGAINST

<u>P. J. ...</u>	_____	_____
<u>...</u>	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

CSMOTION.SHL

Pamela



TIME

SYN. NO.

Introduced by ADMINISTRATIVE OFFICER

*Publications  
& others*

SUBJECT: Recommendation: Adopt the County of Los Angeles Drug Free Workplace Policy and instruct Department Heads to implement the policy in their departments; approve amendment to the Fringe Benefit agreement with the Coalition of County Unions to provide pre-placement drug testing for sensitive positions and testing of employees where reasonable suspicion of substance abuse exists; approve agreement with Beach Lifeguards (Unit 641) and Supervisory Beach Lifeguards (Unit 642 to provide for drug testing as a condition of promotion to a permanent position; also approve the Drug Free Workplace Programs for all other County employees not already covered by an existing drug testing agreement or program. (Continued from meetings of 5-5-92, 5-12-92, 5-19-92 and 5-26-92)

MOTION BY SUPERVISOR

June 2, 1992

Molina

Hahn

~~Edelman~~

Antonovich

Dana

SPEAKERS

REPRESENTING FOR AGAINST

CSMOTION.SHL

TIME

*R. Rubalcava + others**11*

SYN. NO.

*52*

Introduced by ADMINISTRATIVE OFFICER

**SUBJECT:** Recommendation: Adopt the County of Los Angeles Drug Free Workplace Policy and instruct Department Heads to implement the policy in their departments; approve amendment to the Fringe Benefit agreement with the Coalition of County Unions to provide pre-placement drug testing for sensitive positions and testing of employees where reasonable suspicion of substance abuse exists; approve agreement with Beach Lifeguards (Unit 641) and Supervisory Beach Lifeguards (Unit 642) to provide for drug testing as a condition of promotion to a permanent position; also approve the Drug Free Workplace Programs for all other County employees not already covered by an existing drug testing agreement or program. (Continued from meetings of 5-5-92, 5-12-92 and 5-19-92)

MOTION BY SUPERVISOR

*A/D*

5-26-92

*Carroll (6/2/92)*

Molina

Hahn

Edelman

Antonovich

Dana

SPEAKERS

REPRESENTING FOR AGAINST

CSMOTION.SHL

TIME

*Rubalcava + others*

*12*

SYN. NO.

*47*

Introduced by ADMINISTRATIVE OFFICER

**SUBJECT:** Recommendation: Adopt the County of Los Angeles Drug Free Workplace Policy and instruct Department Heads to implement the policy in their departments; approve amendment to the Fringe Benefit agreement with the Coalition of County Unions to provide preplacement drug testing for sensitive positions and testing of employees where reasonable suspicion of substance abuse exists; approve agreement with Beach Lifeguards (Unit 642) to provide for drug testing as a condition of promotion to a permanent position; also approve the Drug Free Workplace Programs for all other County employees not already covered by an existing drug testing agreement or program. (Continued from meetings of 5-5-92 and 5-12-

**MOTION BY SUPERVISOR**

*D/E*

5-19-92

~~Molina~~

~~Hahn~~

Edelman

~~ADOPT~~ *Con't LWK (5-26-92)*

Antonovich

Dana

**MOTION BY SUPERVISOR**

Molina

Hahn

Edelman

Antonovich

Dana

**SPEAKERS**

**REPRESENTING FOR AGAINST**

CSMOTION.SHL

TIME

*Subcommittee  
+ others*

10

SYN. NO.

74

Introduced by ADMINISTRATIVE OFFICER

**SUBJECT:** Recommendation: Adopt the County of Los Angeles Drug Free Workplace Policy and instruct Department Heads to implement the policy in their departments; approve amendment to the Fringe Benefit agreement with the Coalition of County Unions to provide pre-placement drug testing for sensitive positions and testing of employees where reasonable suspicion of substance abuse exists; approve agreement with Beach Lifeguards (Unit 642) to provide for drug testing as a condition of promotion to a permanent position; also approve the Drug Free Workplace Programs for all other County employees not already covered by an existing drug testing agreement or program. (Continued from meeting of 5-5-92)

MOTION BY SUPERVISOR

*E/D*

May 12, 1992

Molina

Hahn

*CONT 1 W/C (5-19-92) in Edelman*

Edelman

*Adopt*

Antonovich

Dana

MOTION BY SUPERVISOR

Molina

Hahn

Edelman

Antonovich

Dana

SPEAKERS

REPRESENTING FOR AGAINST

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

CSMOTION.SHL

DEPARTMENT ADMINISTRATIVE OFFICE

SUBJECT COUNTY DRUG FREE WORKPLACE PROGRAM

**MAY 05 1992**

BOARD MEETING DATE

AGENDA NO. 12

MINUTE ENTRY NO. 64

ROUTE TO:

~~MOLINA \_\_\_\_\_~~  
~~HAHN \_\_\_\_\_~~  
~~EDELMAN \_\_\_\_\_~~  
~~DANA \_\_\_\_\_~~  
~~ANTONOVICH \_\_\_\_\_~~  
~~CAO \_\_\_\_\_~~

FOR BOARD OFFICE USE ONLY

EXEC. OFF. FILE \_\_\_\_\_  
 PLACE ON AGENDA TO: \_\_\_\_\_  
 APPROVE \_\_\_\_\_  
 DISAPPROVE \_\_\_\_\_  
 RECEIVE AND FILE \_\_\_\_\_  
 POLICY \_\_\_\_\_  
 SET FOR HEARING \_\_\_\_\_  
 OTHER \_\_\_\_\_  
 APPROVED BY \_\_\_\_\_

FOR CAO USE ONLY

CHIEF ADMINISTRATIVE OFFICER  
 RECOMMENDATION:

PROCESSOR PAMELA POTTS

DATE

CONTRACT NO.

L A C R D

AUDITOR CONTROLLER

CAO

COMM. DEVELOPMENT

COUNTY COUNSEL

PUBLIC WORKS

FACILITIES MGMT.

PARKS & REC.

HEALTH SERVICES

MOTION BY E/A

MOLINA \_\_\_\_\_

HAHN \_\_\_\_\_

EDELMAN \_\_\_\_\_

ANTONOVICH \_\_\_\_\_

~~DANA~~ \_\_\_\_\_

Cont 1 wk (5-12-92)  
ADOPT per Edelman

SPEAKER:

HOLD FOR:

Rubalcava  
+ others

RECORDED

DOCUMENT NO.

NOTICE TO BE PUBLISHED IN

SET

BIDS